THE RULES AND ORDERS

Of the ſeveral COURTS of

King's Bench, Common Pleas, Chancery and Exchequer.

The THIRD EDITION.

CONTINUED

To this preſent Year, 1724.

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MVSEVM
BRITANNICVM

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GENERAL RULES AND ORDERS Of the Court of *KING'S-BENCH.*

Die Mart' prox' poſt Tres Sept' S. Trin. An. 13 Car. 2. Regis.

ORdinat' eſt qd' quilibet Attorn' hujus Cur' qui imponerit aliquod Ballium per Recogn' coram Capital' Juſtic' vel aliquo al' Juſtic' Cur' hic & quer' vel ejus Attorn' hujuſm' Ballium acciperit qd' tunc Attorn' qui imponerit hujuſm' ballium id' ballium affilari cauſabit infra viginti dies poſt talem acception' ſub pœna 40s. Et quod omnia ballia modo capt' de bene eſſe & que accept' ſunt per Attorn' quer' & nunc remanen'

That every Attorney who puts in Bail by Recognizance before a Judge (if the Plaintiff accept it) ſhall cauſe the ſaid Bail to be filed within 20 Days, &c.

manen' cum aliquo Juſtic' hujus Cur' ſimilt' affilentur infra viginti dies nunc prox' ſequen' ſub conſimili pœna 40s.

Penalty 40 *s.*

Die Jovis prox' poſt Mens' Sancti Mich' Anno 13 *Car.* 2. *Regis.*

Keepers of the Seals to allow each Clerk of the Court and his Clerk the ſealing of one Writ gratis at the end of every Term. *Niſi, &c.*

CUM ex querel' Clericor' Capital' Cler' hujus Cur' & eorum Clericor' Cur' hic datur intelligi & informari. Qd' cum ſecund' uſum & conſuetudinem Cur' hic de antiquo uſitat' Cuſtodes ſigilli Dom' Regis pro Cur' hic allocaverunt & allocari conſueverunt & debuerunt cuilibet Clerico' Capital' Cleric' hujuſm' Cur' & cuilibet Clerico' hujuſm' Clerici ad finem cujuſlibet Termini ſigillation' unius brevis' gratis ſine aliquo inde ſolvend' nomine *Je vous Prie*, quodque hujuſm' allocatio per hujuſm' Cuſtodes ſigilli' pred' nuper negat' & detent' fuit. Ordinat' eſt quod Allocatio pred' Clericis pred' ſecund' antiquum uſum Cur' hic de futuro allocetur per Cuſtodes ſigilli Dom' Regis pro Cur' hic niſi Cuſtodes ſigilli pred' oſtenderent cauſam incontrar' die Lune prox' poſt Craſtin' Animar'.

Die

Die Lune prox' poſt Mens' Paſc. Anno 14 *Car.* 2. *Regis.*

ORdinat' eſt per Cur' quòd quilibt' Clericus & Attorn' hujus Cur' ſuper notic' eis dat' ad attend' aliquam motionem in Cur' attend' motionem in Cur' ſecund' notic' ſubpena forisfaciend' decem ſolid' ſolvend' per hujuſm' Cleric' & Attorn'.

That Clerks and Attornies upon Notice attend Motion in Court. Penalty 10 *s.*

Die Martis prox' poſt Octab. Sanct. Trin. Anno 14 *Car.* 2. *Regis.*

ORdinat' eſt per Cur' quod in qualib' Action' deplicito tranſgr' & ejection' firme fore prolat' ſi ter' ſint jacen' in Com' Midd' tunc bill'a de Midd' proſecut' fuerit & ſi ter' ſint jacen' extra Midd' tunc bre' de Lat' proſecut' fuerit verſus caſual' Ejector' in qualib' tali ejectione defend' nominat' Acetiam quòd commune ballium pro tali defend' affiletur antequam aliqua declaratio per billam in hujuſm' Actione deliberat' fuerit alicui tenenti in poſſeſſion' tenementor' in hujuſm' Narr' ſpecificat'. Et quòd ſi Attorn' hujus Cur' pro quer' deficerit in performation' inde, tunc nullum judicium intretur pro quer' verſus caſual' Ejectorem nec tenens in poſſeſſion' cogn' dimiſſion'

Plaintiff's Attorney to ſue forth a Bill *Midd.* or *Latitat* againſt the caſual Ejector, and to file common Bail before Declaration delivered to the Tenant in Poſſeſſion.

dimiſſion' intration' & ejection' tenementorum in tali Narr' mentionat' ad triand' Exit' inter partes prædict'.

Die Mercur' prox' poſt Tres Sept' Stæ' Trin' Anno 14 Car. 2. Regis.

How Attorneys ought to appear in Court each Term.

ORdinat' eſt per Cur' quòd omnes Attorn' hujus Cur' comparebunt in Cur' in eorum propr' perſonis ſuper vel ante decimum quartum diem Termini Sti' Michaelis & ſuper vel ante ſeptimum diem cujuſlibet al' Termini ſubpœna forisfaciend' pro primo defalt' 10*s.* & pro ſecundo defalt' 20*s.* Et quod quilibet Attorn' intrat' fuerit in Officio hujus Cur' omnia placita & Morationes in Lege infra tres Dies poſt finem cujuslibet Termini. Et quod nullæ Regulæ fact' fuerint per aliquem Juſtic' Cur' Domini Regis coram ipſo Rege in aliqua Actione in dict' Cur' penden' poſt tertium diem prox' poſt finem alicujus Termini. Et quod nul' Attorn' dict' Cur' attend' aliquem Juſtic' præd' ad faciend' aliquas Regulas poſt tertium diem prox' poſt finem alicujus Termini. Et quòd null' Regulæ fact' fuerint peremptoriè Attorn' poſt tertium Diem poſt finem alicujus Termini. Et quod omnes Regulæ fact' poſt tertium diem poſt finem alicujus Termini vacue forent.

Penalty.

And to enter their Pleadings, *&c.*

Alſo after what Time a Judge may not make a Rule, *&c.*

Hillar'

Hillar' 14 & 15 *Caroli* 2. *Regis.*

ORdinat' eſt per Cur' qd' nullum bre' de alias vel plur' Diſtring' Jur' cum Tales pro triatione Exit' ad Barr' emanat' fuerit priuſquam precedens breve de Diſtring' Jur' cum panello de nominibus Jur' adinde annex' deliberetur Secundario hujus Cur' ad intentionem qd' Exitus forisfacti per Jur' pro eorum non comparentia ſuper dicto præceden' brevi debito modo extrahantur.

No alias Diſtring' Jur' with Tales before forfeited Iſſues be extracted per Secund'.

IT is ordered, That every Sheriff ſhall make, and cauſe to be entered on Record, a ſufficient Deputy to receive all Manner of Writs and Proceſs, under the Pains and Penalties mentioned in the Statute in that Behalf, made in the 23d Year of the Reign of the late King *Henry* the Sixth; which Law ſhall from henceforth be duly put in Execution. And it is further ordered, That the ſaid Sheriffs, or their ſufficient Deputies, ſhall give their perſonal Attendance in *Weſtminſter-Hall* daily in the Term-time, that ſo they may with the more Convenience diſpatch thoſe Services which appertain to their Offices reſpectively. And that no Sheriff, nor Sheriff's Deputy, ſhall deliver or make, nor cauſe or ſuffer to be delivered or made,

Concerning Sheriffs Deputies on Record.

Sheriffs, &c. to attend at Weſtminſter.

No Warrant to arreſt before Writ ſued forth, &c.

any Warrant or Warrants before the Writ or Writs be duly ſued forth and delivered to the ſaid Sheriffs, or their Deputies reſpectively. Neither ſhall the ſaid Sheriffs nor their Deputies deliver, nor cauſe or ſuffer to be delivered, any Blank Warrants; nor ſhall any Clerk or Attorney of this Court receive, or procure to be made, any ſuch Blank Warrants, upon Pain of ſevere Puniſhment, and Fine, to be impoſed upon the ſaid Sheriffs and their Deputies, and utter Expulſion of the ſaid Clerks or Attorneys reſpectively offending in the Premiſſes.

Blank Warrants not to be delivered out.

Puniſhment by Fine.

And Expulſion.

Die Mercurii prox' poſt Tres Sept' Paſc' Anno 15 *Caroli* 2. *Regis.*

IT is ordered by the Court, That the Keepers, or Deputy Keepers of the Seal, appointed for Sealing of Writs iſſuing out of the Court of *King's-Bench*, or any of them, ſhall not ſeal, nor ſuffer to be ſealed, any Writ or Writs of *Latitat*, *Habeas Corpus*, *Subpœna*, *Scire Facias*, or other ſignable Writs iſſuing out of the ſaid Court, unleſs the ſame Writs reſpectively be firſt ſigned with the Sign of the ſaid Court, kept by the Clerk appointed to that Purpoſe.

Writs not be ſealed before duly ſigned.

Die

Die Veneris in Cro' Aſcen' Domini, Anno 15 *Car.* 2. *Regis.*

IT is ordered by the Court, That no Bailiff nor Sheriff's Officer ſhall preſume to exact or take from any Perſon, being in his Cuſtody by Arreſt, any Warrant to acknowledge a Judgment, but in the Preſence of an Attorney for the Defendant, which Attorney ſhall then ſubſcribe his Name thereunto, which ſaid Warrant ſhall be produced when the ſaid Judgment ſhall be acknowledged. And if any Bailiff or Sheriff's Officer ſhall hereafter offend, or do contrarywiſe, he ſhall be ſeverely puniſhed for ſo doing. And it is further ordered, That no Attorney ſhall from henceforth acknowledge or enter, or cauſe to be acknowledged or entered, any Judgment, by Colour of any Warrant gotten from any Defendant being under Arreſt, otherwiſe than as is aforeſaid.

No Bailiff, &c. to take any Warrant to acknowledge a Judgment but in Preſence of the Defendant's Attorney, &c.

Die Martis in Craſtino Pur' beat' Mariæ, Anno 15 *Car.* 2. *Regis.*

ORdinat' eſt qd' quilibet Attorn' hujus Cur' perſonalit' attend' Magiſtr' Jekyll ad tempora per ipſum præfixend' ſuper notic' inde eis dat' ad examinand' Cauſas coram ipſo in referenc' exiſten': Et

Attoneys to attend the Maſter upon References.

Penalty 10 *s.* qd' quilibet Attorn' qui defalt' inde fecerit pro qualibet Defalt' forisfec' decem ſolid'.

Die Lunæ prox' poſt Craſtin' Aſcen' Dom' Anno 15 *Caroli* 2. *Regis.*

At what Times the Clerks of the Office are to account with the Secondary.

IT is ordered, That if any Clerk of the Office do not make his Accompt with the Secondary within Ten Days after the End of *Hillary*-Term, within Six Days after the End of *Eaſter*-Term, within Ten Days after the End of *Trinity*-Term, and within Eight Days after the End of *Michaelmas*-Term, according to the ancient Cuſtom; every Clerk ſo offending, ſhall, for the firſt Offence, be ſuſpended from his Priviledge of Practice as a Clerk of the Office, until he hath made his Account, and paid his Money due thereupon: And for the ſecond Offence, at the Diſcretion of the Chief Clerk or Secondary, to ſuffer Expulſion.

The Firſt Penalty.

The Second Penalty.

[*See after, Page* 12.]

Regula

Regulæ Generales factæ Termino Sanctæ Trin' Anno 15 Caroli 2. Regis.

Dies Mercurii prox' poſt Tres Septimanus Stæ. Trin'

ORdinat' eſt per Cur' quod in qualibet actione Tranſgr' & Ejectione firmæ ubi per Regulam Cur' Defendens cogn' Dimiſſionem Intractionem & Ejectionem pro tant' prémiſſor' in narratione mentionat' quant' ſunt in poſſeſſione dicti Defenden' aut Subtenentium ſuor', Attorn' ejuſdem Defenden' protinus deliberabit Attorn' Queren' certam notitiam inſcriptis de Tenentis ſic in poſſeſſione dicti Defend' aut Subtenentium ſuor' exiſten'

Where the Attorney of the Defendant in Ejectment, muſt give the Plaintiff's Attorney a Note in Writing of the Tenements, *&c.*

Eodem Die.

ORdinat' eſt per Cur' quod nullum Recordum de Niſiprius pro Triatione Exit' ad Aſſiſas ſigilletur poſt finem unius menſis prox' ſequen' Clauſum Termini.

Concerning the Time of ſealing Records of *Niſi-prius.*

[*This Rule is now altered to three Weeks.*]

Regulæ

Regulæ Generales.

Regulæ Generales factæ Term' Sancti Michaelis, Anno 15 *Caroli* 2. *Regis.*

Die Martis in Craſt' Animar'

Concerning Additions in Affidavits.

ORdinat' eſt per Cur' quod verus locus habitationis & vera additio cujuſlibet perſonæ quæ præſtiterit Sacrament' ſuum in Cur' inſerantur in hujuſmodi Sacramento.

Die Mercurii in Feſto Sti Martini, Anno 15 *Caroli* 2. *Regis.*

No Writ to be ſued out with an *Acetiam* againſt any Heir, Executor, *&c.* nor in any Caſe where ſpecial Bail is not required.

ORdinat' eſt per Cur' pro evitatione oppreſſionis colore proceſs' è Cur' hic emanand' qd' nullus Attorn' preſumat ad periculum ſuum facere vel fieri cauſare aliquod preceptum ſeu breve cum Clauſula (Acetiam, &c.) verſus aliquem hered' Executorem ſive Adminiſtrator' nec in aliquo caſu quocunq; ubi per conſuetud' Cur' ſpeciale Ball' peti non debet: Quodque ſi Defend' legitime deliberatur ab Arreſto ſuper aliquo proceſs', idem Defend' non iterum arreſtabitur eodem tempore virtute alius proceſſus adſectam ejuſdem querentis. Et ſi aliquis Attorn' aut Quer' in dict' proceſs' nominat' offenderit in præmiſſis nomen cujuſlibet Attorn' ſic offenden'

That a Defendant lawfully deliver'd from an Arreſt, ſhall not the ſame Time be arreſted again at the Suit of the ſame Plaintiff.

den' expungetur è Rotulo Attorn' & præterea tam idem Attorn' quam Quer' in dict' proceſs' nominat' reſpective punientur prout Cur' juſtum videbitur. Puniſhment.

Die Sabbati prox' poſt Octab' Sancti Martini, Anno ſupradict'

ORdinat' eſt per Cur' qd' quilibet Clericus hujus Cur' quolibet Termino tempore redditionis computi ſui ſolvit' Officiario hujus Cur' qui recipit billas hic in Cur' de Recordo affiland' antiquum feod' duorum ſolidorum pro quolibet Attorn' & Philizar' hujus Cur' qui retinet' dictum Clericum ad agend' & intrand' ſectas & negotia in eadem Cur' hic penden'. To pay the Clerks Fees, who files the Bills, *&c.*

Die Sabbati prox' poſt Quinden' Sti' Martini, Anno 15 *Car.* 2. *Regis.*

ORdinat' eſt per Cur' qd' in omnibus actionibus tranſgreſs' & aliis actionibus ubi cauſa Actionis allegat' fieri Vi & Armis ſeu contra pacem Domini Regis proſequend' in Cur' hic, vera additio Gradus qualitatis ſive myſterii, acetiam verus & certus locus habitationis cujuſlibet defend' inſerantur in qualibet hujuſmodi actione ad periculum Attorn' quer' That true Additions be made in all Actions *Vi & Armis*, or *contra Pacem.*

[*The* Capiatur *Fine is now taken away.*]

Hillar'

Hillar' 15 & 16.

At what times the Clerks of the Court ſhall account with the Secondary for each Term.

ORdinat' eſt per Cur' qd' quilibet Clericus hujus Cur' reddat Comp'm ſuum Secondario ejuſdem Cur' infra ſex dies prox' poſt finem cujuſlibet Termini Paſchæ & infra octo dies prox' poſt finem cujuſlibet Termini Sancti Michaelis, & infra decem dies prox' poſt finem cujuſlibet Termini Sanctæ Trinitatis & Sti. Hillarii ſecund' antiquam conſuetud' & ſeperales priores Regulas hujus Cur'. Et qd' quilibet Clericus impoſterum offendens in premiſſis pro prima offens' ſuſpendatur a privilegio practicationis ſuæ, quodq; nulla brevia nomine ſuo ſignentur nec Rotuli de intrationibus in officium recipiantur quouſq; Comp'm ſuum reddidit & denar' ſuperinde debit' ſolverit. Et qd' pro ſecunda offens' in premiſs' expungatur e Rotulo Clericorum hujus Cur' ad diſcretionem Capitalis Clerici vel Secundar' hujus Cur'.

Puniſhment for the firſt Offence.

For the ſecond Offence.

[*Now Clerks pay for their Entries on ſigning Judgment, or ſealing the Record.*]

An

An Agreement by ſeveral Eminent Clerks to account twice a Year.

Memorandum, *That* 20 Feb. 1690. *it was agreed between Sir* Robert Henley, *and theſe Clerks preſent, before the Lord Chief Juſtice, and Mr. Juſtice* Gregory, (*viz.*) Kettleby, Turbill, Harding, Halls, T. Stone, J. Stone, Brewſter, T. Callow, J. Jones *Jun'*, Sweete, Wibergh, Powell, J. Hancock, A. Moore; *to account twice every Tear,* (viz.) *before* Michaelmas *and* Eaſter-Term. [*See laſt before, alſo ſee after.*]

Regulæ Generales factæ Term' Paſchæ Anno 16 Caroli 2. Regis.

Regul' General'.

ORdinat' eſt per Cur' qd' quilibet Attorn' hujus Cur' qui exonerabit aliquem Priſonar' onerat' cum aliqua Actione hic in Cur' penden' extra priſonam pro defectu pros' infrà tres Terminos dabit notitiam Quer' in eadem Actione vel ejus Attorn' ad comparend' coram aliquo Juſtic' hujus Cur' ad oſtend' cauſam quare hujuſmod Priſonar' exonerari non dabet pro defectu proſecutionis priuſquam procurabit aliquod warrantum ſub manu alicujus Juſtic' hujus Cur' pro exoneratione hujuſmodi priſonar' extra priſonam. Et ſi

What Notice every Attorney, who would diſcharge a Priſoner for Defect of Proceedings, ought firſt to give to the Plaintiff or his Attorney.

Quer'

If no Cauſe ſhewn, the Priſoner to be diſcharged, *&c.*

Quer' in eadem Actione vel ejus Attorn' ſuper hujuſmodi notitiam eis vel eorum alteri inde dat' non comparebit ad oſtend' cauſam in contrarium tunc ſuper Sacramentum preſtand' hujuſmodi notitie, talis priſonar' verſus quem nulla proſecutio fuit' infra tres Terminos tunc prox' preceden' exoneretur extra Priſonam ad periculum Attorn' qui procurabit hujuſmodi priſonar' in forma præd. exonerari.

Eodem Termino.

How the Attorneys ought to allow Writs of Error, returnable in the Court of Exchequer with the Clerk of the Errors.

ORdinat' eſt per Cur' qd' quilibet Attorn' hujus Cur' qui proſecut' fuit' aliquod breve de Errore ſuper aliquo Judicio in Cur' Domini Regis coram ipſo Rege retornabilis in Cur' Camere Scaccarii allocabit hujuſmodi breve de Errore cum Clerico Errorum hujus Cur' infra quatuor dies prox' poſt notitiam dat' Attorn' Quer' hujuſmodi brevis de Error' ſic per ipſum proſecut' acetiam imponeret ballium ſuper hujuſmodi breve de Errore infra quatuor dies prox' poſt allocationem hujuſmodi brevis de Errore (ſi Ballium inde impon' debet) vel in defectu inde executio fiat ſuper hujuſmodi Judicio, breve de Errore in forma præd' proſecut' non obſtan'.

Bail.

Execution for Default.

Die Mercur' prox' poſt Tres Sept' Stæ' Trin', Anno 16 Car. 2. Regis.

ORdinat' eſt per Cur' in plena Cur' qd' nullus Attorn' ſive Clericus attenden' hic in Cur' præſumat deliberare alicui al' Attorn' vel Ceric' attenden' hic in Cur' vel alicui al' perſon' vel accipere ab aliquo al' Attorn' vel Clerico attend' in Cur' hic vel aliqua al' perſon' aliquod placitum imponend' in Officium Cleric' Papir' vel copiam hujuſmodi placiti priuſquam hujuſmodi placitum impoſit' fuerit in eodem Officio Cleric' papir'. Et qd' talis Copia poſtquam hujuſmodi placitum imponetur fact' fuit' per Clericum in prædict' Officio Cleric papir' attenden' & ſignat' ſub manu unius Clericorum ibidem attenden' ſub pœna qd' quilibet Attorn' vel Clericus in Cur' hic attend' foriſfaciet pro prima offens' ſua ſic commiſſa decem ſolid' ſolvend' Pixidi ad uſum Pauperum; Et pro ſecunda offens' ſua ſic commiſs' viginti ſolid' ſolvend' ſimiliter Pixidi ad uſum Pauperum; Et pro tertia offens' ſua commiſs' qd' talis Attorn' vel Clericus expellat' ê Cur' hic ſecund' priorem Regulam peremptoriè & generalit' fact' in conſimili caſu per Cur' in plena Cur' Die Mercur' prox' poſt tres Septiman' Stæ' Trin' Anno Regni Domini Jacobi nuper Regis Angliæ, &c. Secundo, &c. *Die*

That no Attorney, *&c.* deliver or receive any Plea, *&c.* which ought to be put into the Office of the Clerk of the Papers, before it be put into the Office, and the Copy thereof be ſigned by the Clerk of the Papers, *&c.*

The Firſt Penalty 10*s.*

The Second Penalty 20*s.*

The Third Penalty Expulſion.

De Termini Sti' Michaelis, Anno 16 Car. 2. Regis.

At what Time Attorneys appearing for Defendants, ſhall file Common Bail upon a *Cepi Cor.*

What Notice ought to be given of putting in Special Bail before a Judge.

Upon Oath, and no Challenge, Bail to be filed.

Time for Challenge (or Exception) againſt Bail upon a *Ha' Cor'*, &c.

ORdinat' eſt per Cur' qd' quilibet Attorn' hujus Cur' qui comparebit pro aliquo Defend' in aliqua Actione in qua ſpeciale Ballium non requiritur' affilabit commun' Ballium pro hujuſmodi Defend' infra ſex dies prox' poſt finem ejuſdem Terminii de quo comperuit; Et qd' quilibet Attorn' hujus Cur' qui imponeret aliquod ſpeciale Ballium coram aliquo Juſtic' hujus Cur' de bene eſſe ſuper Cepi Corpus dabit notitiam inde indilate Quer' vel ejus Attorn' Et ſi quer' non calumpniabit Ballium illud pro inſufficienc' inde infra viginti dies prox' poſt notitiam ei vel ejus Atorn' inde datam, tunc ſuper Sacramentum præſtit' in ſcriptis hujuſmodi notitiæ in dorſo ejuſdem Ballii (pro quo Sacramento nullum ſeodum capt' fuerit) Ballium illud affilabitur per Attorn' Defend' infra quatuor dies prox' poſt finem præd' viginti dierum. Et quod quilibet Attorn' hujus Cur' qui imponeret aliquod ſpeciale Ballium coram aliquo Juſtic' hujus Cur' de bene eſſe ſuper brevi de Ha' Cor' ſi quer' non calumpniabit Ballium illud pro inſufficienc' inde infra viginti & octo dies poſt impoſitionem inde tunc Ballium illud affilabitur per Attorn' Defend' infra quatuor

tuor dies prox' poſt finem viginti & octo dierum Subpœna qd' quilibet Attorn' defalt' facien' vel in non dando noticiam ut prædictum eſt vel in non affilatione, ſeperal' Ball' præd' vel eorum alicujus in forma præd' forisfaciat & ſolvet pixidi hujus Cur' pro primo delicto ſuo Summam quinq; ſolidorum, & pro ſecundo delicto ſuo expungetur è Rotulo Attorn' hujus Cur'. Et ulterus ordinat' eſt ea intentione qd' Ballia præd' debit' affilantur qd' Clerici Juſtic' hujus Cur' in quorum manibus Ballia ſic capt' de bene eſſe remanebunt infra ſex dies prox' poſt finem cujuſlibet Termini dabunt notam in ſcriptis Secundario hujus Cur' omnium Ball' de Termino præceden' ſic impoſit' & in eorum manibus tunc remanen' una cum nominibus Attorn' qui Ballia illa impoſuerunt & die impoſitionis eorumdem. [*Vide Page* 22.]

First Forfeiture 5 s. Second Forture to be ſtruck out of the Roll.

When Judges Clerks are to give the Secondary a Note of ſuch Bail, &c.

De Term' Pas' An' 18 *Car.* 2. *Regis.*

ORdinat' eſt per Cur' qd' nulla placita ſpecialia ſeu morationes in lege in aliqua cauſa hic in Cur' jam penden' vel poſtea proſequend' recept' fuerint per Clericos Papir' hujus Cur' antequam hujuſmodi placita vel morationes in lege ſignat' fuerint manu propr' alicujus Conciliar' in ea parte retent'; Et ulterius ordinat' eſt qd' Clerici

Clerks of the Papers to receive no Special Pleas or Demurers before they be ſigned by Council.

And in the Copies of Pleas and Paper Books to ſet down the Council's Name.

Papir' hujus Cur' in omnibus Copiis placitorum & Libris papir' per ipſos faciend' ſubſcribant hujuſmodi Copiis placitorum & libris papir' nomina Concil' qui ſignaverint hujuſmodi placita tam ex parte quer' quam ex parte Defend', Et qd' in omnibus libris deliberand' Juſtic' hujus Cur' nomina Concil' qui ſignabunt placita illa tam ex parte Quer' quam ex parte Defend' ſubſcript' forent hujuſmodi libris per Clericos vel Attorn' qui libros illos deliberarent.

The Attorneys to do the like in the Books for the Judges.

Die Martis prox' poſt Octab' Stæ' Trin' Anno 18 *Caroli* 2. *Regis.*

That General Rules in Ejectment be enter'd, before any Motion be made for Judgment againſt the Caſual Ejector.

QUum per antiquam Conſuetud' hujus Cur' Regulæ ad reſpondend' dari & intrari debent cum Clerico Regularum hujus Cur' in omnibus Actionibus in Cur' hic prolat' & penden' Quæ quidem Cons' nuper neglect' fuit in Action' tranſgr' & Ejection' firmæ, pro evitatione cujus in futuro Ordinat' eſt qd' quilibet Attorn' hujus Cur' intrabit cum Clerico Regularum generalem Regulam ad reſpondend' in omni Actione Trans' & Ejection' firmæ prolat' priuſquam aliqua Motio fact' fuerit in Cur' pro Judicio vers' Caſualem Ejectorem.

Dit

Die Lunæ prox' poſt Craſtinum Aſcenc' Domini Anno 19 Caroli 2. Regis.

ORdinat' eſt per Cur' qd' quilibet Clericus Philizar' & Attorn' hujus Cur' ſolvet Officiar' hujus Cur' appunctuat' pro reception' filation' & coſtod' Billarum & Narration' hic in Cur' affiland' antiquum feod' duorum ſolid' in fine cujuslibet Termini pro Salario ſuo pro reception' filation' & cuſtod' Billarum & Narrationum prædict' ſecund' ſeperal' Ordines hujus Cur' prius inde in ea parte fact' Et ſi aliquis Clericus Philizar' vel Attorn' hujus Cur' recuſabit ſolvere feod' ill' ſuper rationabil' requiſition' ei inde faciend' Tunc hujuſmodi Clericus Philizar' & Attorn' ſuſpendatur a privilegio practiciæ ſuæ in eadem Cur' ad Diſcretionem Capital' Clerici vel Secundar' Cur' ill'. [*Vide Page* 11.]

To pay the Fee of 2 *s.* at the End of every Term, to the Officer who files the Bills and Declarations.

Penalty.

Regula generalis prō Trin. 20 Car. 2. Regis.

ORdinat' eſt per Cur' qd' quilibet Clericus hujus Cur' Computabit ſeperatim per ſe ad finem cujuſlibet Termini ſecundum antiquas regulas hujus Cur' inde fact' Et qd' duo tres vel plures eorumdem non inſimul Computarent in nomine

How the Clerks muſt account ſeverally, *&c.*

If any Clerk ſuffer Writs to be ſigned, Rolls to be filed in his Name, for any other in Arrears.

mine unius Clerici prout nuper uſitat' fuerit, Et ulterius Ordinat' eſt qd' ſi aliquis Clericus hujus Cur' ſignaret vel ſignari permitteret aliquæ brevia ſeu affilaret ſeu affilari permitteret aliquos Rotulos in nomine ſuo pro aliquo alio Clerico hujus Cur' qui aretro exiſtit cum Computis ſuis tunc hujuſmodi Clericus qui ſignaret vel ſignari permitteret aliqua talia brevia ſeu affilaret ſeu affilari permitteret aliquos tales Rotulos in nomine ſuo ſolvet Arrerag' Comput' talium Clericorum pro quibus aliqua talia brevia ſic per ipſum ſignat' ſeu aliqui tal' Rotul' ſic per ipſum affilat' forent. [*Vide Page* 8. & 12.]

He ſhall pay ſuch Arrears.

Per Trin' 22 Car. 2. Regis.

That no Defendant ſhall put in Bail for a greater Sum than in the Proceſs.

ORdinat' eſt per Cur' qd' nullus Defend' qui fuit' arreſtat' virtute alicujus Proceſſus è Cur' Domini Regis coram ipſo Rege emanan' compulſus fu'it imponere Ballium pro majori Summa quam in hujuſmodi proceſs' exprimitur. Et ulterius Ordinat' eſt qd' ſi Quer' narrabit verſus Defend' ſuper aliquod Ballium per ipſum impoſit' pro majori Summa quam exprimitur in proceſs' ſuper quo Defend' arreſtat' fuit' tunc Ballium ſic impoſit' non onerabile fuerit in Actione illa.

And if the Plaintiff declares for more, ſuch Bail ſhall not be liable.

Die

Die Mercur' prox' poſt Octab' Pur' beat' Mariæ, Anno 25 *Caroli* 2. *Regis.*

ORdinat' eſt qd' Officiar' hujus Cur' qui habent cuſtodem ſigilli Cur hic permittant un' vel plur' perſon' attendere omnibus temporibus ſigillation' brevium ejuſdem Cur' ex parte Dom' Regis & impreſſion' vel ſignum ſuper hujuſmodi brevia ſic ſigillat' vel ſigilland' imponere quouſq; Cur' hic ulterius ordinaverit ita qd' nullum impedimentum perinde eveniat Officiar' præd' in ſigillatione brevium prædict. [*Vide Page* 24.]

That a Perſon may attend the Seal on behalf of the King, and ſtamp or ſign the Writs to be ſealed.

Die Lunæ prox' poſt Octab' Sti' Martini, Anno 28 *Car.* 2. *Regis.*

ORdinat' eſt qd' Marr' Mareſc' hujus Cur pro tempore exiſten' non permittet aliquam perſonam quamcunq; in ejus cuſtod' remanen' ſuper aliqua Actione vel in Execution' vel pro aliquo Contempt' quocunque detent' infra dict' Priſonam vel infra Libertat' Regularum ejuſdem Priſonæ, ire extra eandem Priſonam vel Libertat' præd' abſq; ſpeciali Regula hujus Cur' in ea parte prius habit' & obtent' periculo incumben'.

That the Marſhal ſuffer none in Cuſtody, or within the Rules, to go out thereof, without a Special Rule of Court.

Die Jovis prox' poſt tres Sept' Paſche, Anno 29 Caroli 2. Regis.

Regula Generalis.

No Bail to be put in upon a Ha' Cor' before the Writ return'd.

ORdinat eſt per Cur' qd' nullum Ballium fu'it impoſit' ſuper brevi de Habeas Corpus priuſquam breve ill' fu'it retornat' Et qd' quilibet Attorn' hujus Cur' qui imponet aliquod ſpeciale Ballium coram aliquo Juſtic' hujus Cur' tempore impoſitionis inde deponeret in manibus Clerici Juſtic' coram quo hujuſmodi Ballium ſic fu'it impoſit' feod' debit' pro affilatione Ballii ill' videlicet pro quolibet ballio ſuper brevi de Habeas Corpus 4 *s.* 10 *d.* & pro quolibet Ballio ſuper brevi de Ce' Cor' 2 *s.* 6 *d.* Et qd' Clerici Juſtitiar' in quorum manibus feod' ill' ſic impoſit', infra ſex dies prox' poſt finem cujuſlibet Termini debunt notam in Scriptis Secundar' hujus Cur' omnium Ballior' de Vacatione & Termino Præceden' ſic impoſit', una cum nominibus Attorn' qui Ballia ill' impoſuer' & ſolverent eidem Secundar' feod' præd' per ipſos pro Balliis ill' in forma præd' recept'.

The Attorney that puts in Bail before a Judge, to pay his Clerk the Fees for Filing.

The Judges Clerk to give a Note to the Secondary of all Bails, *&c.*

Per Cur'.

[*Vide Page* 16, 17.]

If Bail be put in on Ha' Cor', *ſued before* Eſſoin-*Days of* Pas' & Mich', *and the Plaintiff put in his Declaration before* Mens' Pas' *or* Cro' Animar', *then to Plead and go to Trial; but in other Two Terms, only plead to enter.*

Upon Bail put in on Ha' Cor' &c. when to plead to Trial, and when only to enter.

Die Jovis prox' poſt Octab' Sancti Hillar' Anno 30 *Car.* 2. *Regis.*

ORdinat' eſt qd' referetur Magiſtro Liveſay ad examinand' quæ brevia ſignari debent per Philizar' hujus Cur' antequam talia brevia ſigillari debent, ex motione Magiſtri Williams.

That the Maſter examine what Writs the Philazers ought to ſign.

Die Sabbati poſt Craſtinum Aſcen' Dom' Anno 31 *Car.* 2. *Regis.*

ORdinat' eſt qd' omnia brevia & proceſs' quæcunque ſuper brevia original' emanand' ante comparenc' defend', ſignari debent per Philizar' hujus Cur' ſecundum conſuetud' hujus Cur' ex motione Magiſtri Williams.

That all Writs and Proceſs on Originals, &c. ought to be ſigned by the Philazers.

Die Sabbati prox' poſt Octab' Stæ Trin' Anno 31 *Car.* 2. *Regis.*

Time of Sea'-ing Records of *Niſi prius.*

ORdinat' eſt qd' null' Record' de Niſi-prius pro Triatione Exit' ad Aſſizas ſigilletur poſt finem trium Septimanarum prox' poſt ſequen' Clericum Termini. [*Vide Page* 9.]

Per Cur'.

Die Lunæ poſt Mens' Paſ' Anno 32 *Car.* 2. *Regis.*

That one or more Perſons, on Behalf of the Earl of Suffolk, attend the Seal, and ſtamp the Writs, &c.

ORdinat' eſt qd' Officiar' hujus' Cur' qui habent cuſtod' ſigilli permiterint un' vel plur' perſon' attendere temporibus ſigillation' brevium præd' Cur', & Impreſſion' vel ſignum ſuper hujuſmodi brevia ſic ſigillat' vel ſigilland' imponere ex parte Jacobi Comitis Suff' quouſq; Cur' hic ulterius ordinaverit ita qd' fiat abſq; onere aliquibus Dom' Regis ſubdit' ſive impediment' Officiar' prædict'. [*Vide Page* 21.]

Die Lune poſt Quinden' Martini, Anno 33 *Car* 2. *Regis.* (1681.)

That the former Rule for filing Bails be obſerv'd.

ORdinat' eſt per Cur' qd' Regula hujus Cur' prius fact' pro affilatione Ball' obſervetur ſub pœna forisfactur' in

in eadem Regula mentionat' Et ulterius Ordinat' eſt qd' omnes Attorn' hujus Cur' qui deliberabunt vel deliberari cauſabunt aliquam narrationem in placito Tranſgr' & Ejection' firmæ alicui tenen' in poſſeſſion' aliquarum terrarum ſeu tenement' proſequeretur breve de Latitat vers' caſualem Ejectorem & affilabunt commune ballium pro eodem antequam ſignabunt Judicium vers' Caſualem Ejectorem in aliqua tali Actione. [*Vide Page* 1, 3, 16, 32.]

And that Attorneys delivering Declarations in Ejectment, ſue out a Latitat, *&c.* before they ſign Judgment againſt the Caſual Ejector.

Paſ. 33 *Caroli Secundi Regis.*

ORdinat' eſt qd' regula fact' Termino Sancti Michaelis ult' pret'it' pro deliberatione Cop' de Err' & Record' ſuper inde Juſticiar' de Com' Banco, & Baronibus de Scaccario exonerentur. Et qd' in futuro null' Cop' de Errore & Record' ſuper inde deliberetur præd' Juſticiar' vel Baronibus priuſquam Attorn' pro Quer' ſuper brevi de Error' decem dies notitiam dabit Cleric' Error' in Camera Scaccarii qd' Error' in Record' aſſign' arguetur coram eiſdem Juſtic' & Baronibus pro utraq; parte. Et qd' Attorn' pro Quer' deliberabit quatuor Cop' Juſticiar' de Com' Banco. Et Attorn' pro Defend' deliberabit quatuor al' Cop' Baronibus de Scaccario quatuor dies ante auditum Cauſe. [*See next after, and Page* 28.]

A former Rule diſcharged, and new Order made for delivering Copies of Error, *&c.* to the Juſtices of *C. B.* and Barons *de Scaccario*, to be argued.

Per Cur' Wearg. Cler' Error'.

Paſ.

Paſ. 36 Caroli Secundi Regis.

When Writs of Error retornable before the Juſtices of C. B. and Barons *de Scaccario*, ſhall be delivered into the Clerk of the Errors, *&c.*

ORdinat' eſt qd' omnia brevia de Error' retornabil' coram Juſtic' de Com' Banco, & Baron' de Scaccario in Camera Scaccarii indilate deliberentur Cler' Error' pro tempore exiſten' quòdque nemo tenebitur abſtinere a Proſecutione Executionis pretextu alicujus hujuſmodi brevis de Error' priuſquam breve deliberetur Cler' Error'. Et in Caſibus ubi Speciale Ball' requiritur, Niſi Quer' ſuper tali Breve de Errore infra quatuor dies poſt deliberation' inde imponerit Ballium ſecundum Legem, Defend' poterit procedere ad Executione tali brevi non obſtan': *Geo. Gefferyes, F. Wythens, R. Holloway, J. Walcott.* [*Vide Pag.* 14. & 28.]

Bail.

Hill' 36 & 37 Car. 2.

Ne recipietur, and Coſts, upon Proclamation to bring in Records of *Niſiprius* at the Aſſizes.

NOte, That formerly it was held, that if a *Ne recipietur* was entred, Defendant had no Coſts for not going to Tryal; yet contrary now, eſpecially if the *Ne recipietur* was entred by and upon the uſual Proclamation at the Aſſizes to bring in Records.

Hill' 36 & 37 *Car.* 2.

UPon *Friday* the 6th Day of *February*, K. *Charles* the 2d. at Eleven a Clock before Noon, departed this Life, and at Five a Clock in the Evening of the ſame Day *James* the 2d. was proclaimed King at *Temple-Bar*, *Cheapſide*, and the *Royal-Exchange*; and the next Day the Judges had all Commiſſions from K. *James*, and were ſworn and ſat at *Weſtminſter*.

Demiſe of K. *Charles* II. And *James* II. proclaimed King.

Trin' 1 *Jacobi Secundi Regis.*

ORdinat' eſt qd' nullum Record' de Niſiprius Sigilletur per aliquem Officiar' hujus Cur' poſt duodecimum diem Julii prox' futur' quouſq; exitus ſeu pars ejuſdem intretur ſuper Rotulum numerat' & hujuſmodi exitus oſtendatur Secondar' hujus Cur', & per ipſum Signat' foret & licentiat' fore Sigilland'. Et qd' null' Rotul' unnumerat' deliberat' ſint alicui perſonæ niſi Cler' Capital' Cler', & non alicui alteri Attorn' ſive Philizar', Ac qd' null' Cler' Attorn' ſive Philizar' impoſterum irrotulabit aliquam Indentur', Scriptum, Breve de Errore, Exit, vel morac' in lege ſuper aliquem Rotulum Philizar'.

Concerning *Incipitur* before ſealing Record of *Niſiprius*, &c.

And of delivering the number of Rolls to whom, &c.

☞ Hic ordo vacatur per Reg' Cur'.

Vacated.

Per Cur'.

Die

Die Veneris poſt Mens' Pas' Anno 2 Jac. 2. Regis. (1686.)

When Books ſhall be delivered to the Judges upon arguing Demurrers, Special Verdicts, and Writs of Error.

ORdinat' eſt qd' ſuper lection' alicujus Record' hic in Cur' ſuper moration' in Lege, ſpeciali veredict' vel brevi de Errore & ſuper inde dies dat' eſt ad audiend' Concilium ambarum partium, Libri deliberentur Juſtic' hujus Cur' per ſpatium quatuor dierum ante diem ſic per Cur' appunctuat' per Attorn' ex utraque parte. Et qd' Exceptiones quæ inſiſterentur ſuper argumentum denotat' erunt in Margine eorundem Librorum. [*Vide Page* 26.]

Exceptions to be marked, *&c.*

Die Lunæ poſt Octab' Sancti Hillar' Anno 2 Jacobi 2. Regis. (1687.)

That every Defendant not being Executor, *&c.* upon a *Habeas Corpus* to remove inferior Cauſes, put in Special Bail, *&c.*

ORdinat' eſt qd' quilibet Defend' non exiſten' Executor vel Adminiſtrator qui proſecut' fuerit aliquod breve de Habeas Corpus ad removend' aliquam ſectam extra aliquam inferior' Cur' impoſuerit Special' Ballium in omnibus Actionibus quibuſcunque (Actionibus pro ſcandaloſis Verbis, & minutis inſult' tantummodo except') Niſi un' Juſtic' hujus Cur' aliter Ordinaverit.

Hill'

Hill' 3 & 4 Jacobi Secundi Regis.

ORdinat' eſt qd' nullus admittatur in Forma Pauperis extra Cur'.

None to be admitted in *Forma Pauperis* out of Court.

ORdinat' eſt qd' null' Carruce ſeu Draie tranſeant in Kings-ſtreet Weſtm' in Termino inter horam octavam & horam ſecundam.

Concerning Carts and Drays paſſing in *King-ſtreet Weſtminſter.*

Paſ. 4 Jacobi Secundi.

ORdinat' eſt qd' Warrant' Attorn' irrotulat' forent ante quamlibet Cauſam. [*See the next Rule.*]

For Entring the Warrants of Attorney on the Roll before the Cauſes.

Die Veneris prox' poſt Mens' Paſc. Anno 4 Jacobi Secundi Regis.

QUia conſtat Cur' qd' ratione negligentie Clericorum & Attorn' in non intrando & affiland' Warrant' Attorn' de Recordo diverſa Judicia reverſantur ad grave dampnum Magiſtrorum ſuorum, Ordinat' eſt qd' quilibet Cleric' & Attorn' hujus Cur' qui impoſterum intrabit aliquam cauſam de Recordo intrabit principio [Anglice, *the Beginning*] cujuſlibet cauſæ

For Entring Warrants of Attorney upon the Roll at the Beginning of ev'ry Cauſe.

ſic

ſic intrat' Warrant' Attorn' pro Quer' & Defend' in talibus Cauſis aliter eorum Rotuli non affilentur nec recipientur.

Per Cur'.

Die Veneris poſt Craſtin' Pur' beat' Mariæ, Anno 1 *Will' & Mar' Regis & Reginæ,* (1690.)

That upon every Judgment acknowledged by Warrant of Attorny, Bail ſhall be filed, *&c.*

ORdinat' eſt per Cur' qd' pro quolibet Judicio cogn' per Warrant' Attorn' Ballium affiletur pro Defend' ad Warrantizand' hujuſmodi Judicium vel in defectu inde Attorn' qui affilari debet Ballium ill' forisfaciat & ſolvat Pixidi Cur' decem ſolid' pro quolibet tali Ballio non affilat', & pro quolibet alio communi Ballio quod affilari debuit, & non affilatur, Attorn' pro Defend' forisfaciat & ſolvat Pixidi Cur' decem ſolid'. Et iidem reſpectivi Attorn' puniantur prout Juſtic' Cur' idoneum videatur.

Forfeitures.

Die

Die Martis poſt Mens' Michaelis, Anno 2 Will' & Mar' Regis & Reginæ, (1690.)

ORdinat' eſt per Cur' in plena Cur' qd' nullus Attorn' ſive Clericus attenden' hic in Cur' præſumat deliberare alicui al' Attorn' vel Clerico attend' hic in Cur' vel alicui al' perſonæ, vel accipere ab aliquo Attorn' vel Clerico attenden' in Cur' hic vel aliqua al' perſona, aliquod ſpecial' Placitum imponend' in Offic' Cleric' Papir' vel Copiam hujuſmodi Placiti priuſquam hujuſmodi Placitum impoſit' fuerit in Offic' Clerici Papir': Et qd' talis Copia poſtquam hujuſmodi Placitum imponeretur fact' fuerit per Clericum in præd' Officio Clerici Papir' attenden' & ſignat' ſub manu unius Clericorum ibidem attenden' Subpœna qd' quilibet Attorn' vel Clericus in Cur' hic attenden' foris faciet pro prima offens' ſua ſic commiſs' decem ſolid' ſolvend' Pixidi ad uſum Pauperum. Et pro ſecunda offens' ſua ſic commiſs' viginti ſolid' ſolvend' ſimilit' Pixidi ad uſum Pauperum. Et pro tertia offens' ſua ſic commiſs' qd' talis Attorn' vel Clericus expelletur è Cur' hic ſecund' duas priores regulas peremptor' & general' in conſimili caſu per Cur' in plena Cur' fact' ſcilicet die Mer-

That no Attorney or Clerk deliver or receive any Plea, *&c.* without it be firſt put into the Office of the Clerk of the Papers, *&c.*

1ſt Offence, 10 *s.*

2d Offence, 20 *s.*

3d, Expulſion.

Mercurii prox' poſt tres Septiman' Sanctæ Trin' Anno Regni Dom' Jacobi primi nup' Regis Angl' &c. ſecundo acetiam die Mercur' prox' poſt tres Sept' Stæ' Trin' Anno Regni Dom' Caroli Secundi nuper Regis Angl' &c. decimo ſexto. Ex Motione Magiſtri Servien' Tremaine. [*See Page* 15.]

Trin. 4 Will' & Mariæ Regis & Reginæ.

Defendant's Attorney to pay Plaintiff's Attorney 18*d.* for common Bail upon joining of Iſſue, unleſs, *&c.*

CUm Clerici & Attorn' hujus Cur' non obſtan' ſeperalibus regulis & penis pro vera affilatione com' Balliorum, hujuſmodi co'ia Ballia affilari negligunt in magnum periculum Quer' & detriment' Capital' Clerici, pro remedio quorum Ordinat' eſt per Cur' qd' poſt finem hujus Termini quilibet Clericus & Attorn' hujus Cur' qui erit Attorn' pro defend' ſolvet Attorn' pro Quer' ſuper Junctione cujuſlibet Exitus xviii *d.* pro co'ie Ballio niſi idem Attorn' pro Defend' conſtare fac' Attorn' Quer' qd' co'ie vel ſpeciale Ballium eſt affilat'. Et ulterius Ordinat' eſt qd' quilibet Clericus pro Quer' ſup' computo ſuo pro intrationibus ſolvet ſecondar' hujus Cur' xviii *d.* ſic per eum recept'. Et qd' quilibet Clericus & Attorn' qui faciat in contrarium hujus reg'le in aliqua reſpective forisfaciat x*s.* pro quolibet delicto ſolvend' Pixid'

And he upon his account ſhall pay it over to the Secondary.

Penalty.

hujus Cur'. Et ulterius Ordinat' eſt qd' omnes Clerici & Attorn' pro Quer' ſuper ſignatione Judicior' per defalt' vel non Inform' ſolvent Secondar' hujus Cur' xviii *d.* pro Com'i Ballio Niſiprius affilat' fuiſſet & illi Octodecim denar' allocentur Quer' in Cuſtag'.

The like Payment upon ſigning Judgments by Default, unleſs, &c.

Allowance in Coſts.

J. Holt,
W. Dolben,
W. Gregory,
G. Eyre.

[*See Pag.* 25. and *ſee this Rule afterwards in Engliſh.*]

Die Martis poſt tres Sept' Stæ' Trin' Anno 4 Will' & Mar' Regis & Reginæ. (1692.)

SUper querel' Officiatior' pro Cuſtod' Sigilli hujus Cur' aſſignat' qd' ſeparal' Brevia è Cur' hic indebite emanaverunt abſq; Sigillation' eorundem perpræd' Officinar' in defraudation' ejuſdem Sigilli Ordinat' eſt per Cur' qd' ſeparal' Subvic' ſeparal' Com' hujus Regni Angl' permittent eoſdem Officiarios ad ſcruland' & inſpiciend' omnia Brevia è Cur' hic emanat' & eis deliberat' & in eorum reſpectivis Cuſtod' remanen' abſq; aliquo feodo proinde ſolvend'.

Upon Complaint of Writs iſſued out, not being duly ſealed; ordered, That the Officers of the Seal may inſpect all Writs iſſued Unſeal'd,

Die Mercur' poſt quinq; Sept' Paſch. Ann' 5 Will' & Mar'. (1693.)

Rules for delivering Declarations to Priſoners in Cuſtody.

Regulæ obſervand' in Cur' Dom' Regis & Dom' Reginæ coram ipſis Rege & Regina in proceſſu ſuper narr' deliberand' Priſonar' in Cuſtod' Gaolarum, Ordinat' eſt prout ſequitur.

Not before retorn of the Proceſs.

QD' nulla Copia Narration' deliberetur Priſonar' in Cuſtod' ante diem retorn' proceſs' ſuper quo Defend' capt' vel onerat' fuit in Cuſtod'.

No Rule to appear and plead till after Oath made of the delivering the Declaration, and filed, &c.

Qd' nulla Regula dat' foret qd' Defend' in Cuſtod' compareat & placitet aljcui Narration' verſus eum quouſq; Sacrum' in Scriptis ſit affilat' cum Clerico Regularum de deliberation' Copiæ talis Narration' & de tempore quando & perſona cui eadem Copia deliberetur & qd' Defend' arreſtat' fuit vel onerat' in Cuſtod' per proceſſum ab hac Cur' retornabil' ante deliberation' talis Copiæ & qd' tempus affilation' hujuſmodi Sacrament' intret' ſuper Sacrament' illud per Clericum Regularum ſuper dict' Sacrament'. Et qd' Copia illius Sacramenti producatur

Oath of what.

Copy of Oath to be produced before ſigning Judgment.

ducatur coram Prothonotar' vel Secondar' ante ſignationem Judicii.

Qd' ſi Copia Narration' deliberetur vers' talem Defend' ante Mens' Pas' vel Craſtinum Animarum & Sacrament' ſuper inde fiat & affiletur. Et Defend' non compareat adinde infra decem dies prox' poſt finem Terminorum Sancti Michael' & Pas' reſpectivè Judicium reddetur vers' ipſum ſi Regulæ dat' fuer', ſed ſi ipſe compareat ante finem decem dierum poſt Terminum, ipſe habebit Licenciam, interloquendi uſq; prox' Termin' Niſi actio locetur' in London' vel Middles' & Defend' ſit in Cuſtod' infra quadraginta Milliar' Civitat' London' vel Weſtm', tunc licet Defend' compareat ante expiration' decem dierum poſt finem Termini ipſe placitabit duos dies ante diem Eſſon' prox' Termini. Et in defectu inde (Regulis dat' exiſten') Judicium intretur vers' eum ut prædict' eſt.

At what Time Judgment to be ſigned if the Defend' does not appear upon Declarat' delivered before *Mens' Pas' vel Craſtin' Animarum.*

Imparlance when.

Except in *Lond'* and *Middl'*, &c.

Qd' ſi Copia Narrationis deliberetur vers' talem Defend' ſuper vel poſt Menſem Pas' in Termino Pas' vel Craſtin' Animar' in Termino Sti' Michaelis vel in Terminis Sti' Hillarii vel Stæ' Trinitatis. Et ſuperinde Quer' daret Regulam comparere & pro Reſpons' tunc ſi Defend' compareat infra duos dies præceden' ante diem Eſſoinorum prox' Termini, ipſe habeat Licen-

How if Decl' be delivered on or after *Mens' Pas' & Craſt' Animar'* or in *Hill'* and *Trin'* Term.

Imparlance.

tiam interloquendi uſq; dictum prox' Termin', ſed ſi ipſe non compareat infra tempus illud Judicium vers' eum reddetur.

How when a Copy of a Declaration is delivered before the Eſſoin day of the next Term following the Retorn of the Writ.

Qd' ſi Breve ſit retornabil' in aliquo Termino & Copia Narration' deliberetur ante diem Eſſoin' prox' Termini Quer' in tali prox' Termino poſſit dare Regulam ad comparend' & reſpondend'. Et ſi Defend' non compareat & placitet ſuper efluxionem Regularum Judicium verſus eum reddetur.

How Priſoner to be diſcharged if Decl'be not filed before the end of the next Term following the Retorn.

Qd' ſi Narratio non affiletur ante finem Termini prox' poſtquam Breve vel Proceſſus (per quæ Priſonar' capt' fuit vel onerat' in Cuſtod') ſit retornabil' & Sacramentum fact' & affilat' modo ſupradict' ante finem viginti dierum prox' poſt talem Terminum, hujuſmodi Priſonar' exonerabitur per Com'ie Ballium ſignand' per un' Juſtic' hujus Cur'.

Attachment againſt the Gaoler, *&c.* for not delivering Declaration to the Priſoner.

Qd' ſi aliquis Cuſtos Gaolæ ſive Priſonæ qui recepit Copiam Narrationis verſus aliquem Priſonar' in ſua Cuſtodia eandem concelabit & non ſtatim deliberet tali Priſonar', fiat Breve de Attach' verſus eum.

[*See this Rule after in* Engliſh *with the Judges Names.*]

Die

Die Veneris prox' poſt Mens' Paſc. Anno 5 Will' & Mariæ Regis & Reginæ.

ORdinat' eſt per Cur' (reſpect' habito Act' Parliament' nuper edit' pro abbreviacon' Judic' [vocat' *Docketing of Judgments*] qd' omnes Clerici Capital' Clericorum hujus Cur' intulerint' in Officium Capital' Clericorum præd' Rotulos ſuos de Termino Paſc' ad vel ante diem Martis prox' ante prim' diem Termini Stæ' Trinitatis. Et qd' iidem Clerici intulerint in Officium præd' Rotulos ſuos de ſeperalibus Terminis Stæ' Trinitat' Sti' Michaelis & Sti' Hillar' per ſpatium unum Septiman' ad minus ante diem Eſſõin' cujuſlibet Termini eorundem ſubſequen' Terminor'. Et qd' nullus Rotulus recipiatur vel affilatur poſt finem ſecundi Termini abſq; Regula hujus Cur' in ea parte obtinend'.

The Time of bringing Rolls into the Office.

Per Cur'.

[*Vide Page* 41, 42.]

Regulæ Generales :

Die Lunæ prox' poſt Octab' Stæ' Trin' Anno 4 Will' & Mar' Regis & Reginæ.

That upon a voluntary Appearance, Plaintiff's Attorney ſhall ſue forth a *Latitat*, or *Bill' Middl'*.

ORdinat' eſt qd' ſi aliquis Defend' voluntarie comperuit' ad ſectam alicujus Quer' in aliqua Actione quacunq; hic in Cur' proſequend' qd' talis Comparentia nullius vigoris & effectus habebitur, niſi Attorn' pro tali Quer' infra quatuordecim dies poſt diem hujuſmodi Comparen' proſecut' ſit Breve de Latitat vel Bill' Midd' ubi Defend' comorabitur in Midd'.

Die Jovis prox' poſt tres Septiman' Sti' Michaelis Anno 5 Will' & Mar' Regis & Reginæ.

In Error, Notice to be given of Bailput in; and if not excepted againſt within 20 Days, then to be allowed of.

ORdinat' eſt per Cur' qd' quilibet Attorn' hujus Cur' qui proſecut' fuit' aliquod Breve de Error' ad revocand' aliquod Judicium hic in Cur' obtent' in quo Speciale Ball' imponi debet poſt impoſition' talis Speciale Ballii dabit notitiam inde indilate Defend' in præd' Error' vel ejus Attorn'. Et qd' ſi præd' Defend' non calumpniabit Ballium ill' pro inſufficienc' inde infra viginti dies prox' poſt notic' ei vel ejus

ejus Attorn' inde dat' tunc talis Recogn' allocabitur. [*Vide ante Page* 14.]

Per Cur'

Die Mercurii prox' poſt 15 *Sti' Hillarii Anno* 5 *Will' & Mar'.*

ORdinat' eſt qd' quilibet Priſonar' qui Commiſſus fuit Cuſtod' Marr' hujus Cur' virtute alicujus Brevis de habend' Corp' ad reſpondend' vel ad faciend' & recipiend' remanebit in actual' Cuſtod' ejuſdem Marr' per ſpacium duorum dierum prox' poſt talem Commiſſionem talem Priſonar' eidem Marr' non obſtante aliquo alio Brevi de habend' Corp' ad reſpondend' vel ad faciend' & recipiend' extra aliquam al' Cur' emanen' eidem Marr' deliberand' & allocand'.

Priſoners committed into Cuſtody upon *Hab' Corp'*, ſo to remain for 2 Days, notwithſtanding any other Writ of *Hab' Corp'* delivered to the Marſhal, *&c.*

Per Cur'

Die Sabbati in quinden' Sti' Hillarii Anno 6 *Will' & Mar'.*

ORdinat' eſt qd' omnes Fines debit' Domino Regis & Dominæ Reginæ in Cur' ipſorum Dom' Regis & Dom' Reginæ, pro aut ſuper omnibus pro debit' & Actionibus pro dampnis in Cur' præd' proſecut'

A Rule for collecting Fines due to the King, *&c.*

ſecut' recipiantur & colligantur ſicut antea. Ex motione Thome Powys Mill'(Side Barr').

Per Cur'.

Regulæ Generales :

Die Veneris prox' poſt Craſt' Stæ' Trinitatis Anno 8 Will' tertii Regis.

Authority of the Secondary upon any Reference to him to name, &c. a Jury for a Trial at Bar, when the Attorney of either Side doth not make due Attendance.

ORdinat' eſt qd' ſuper aliquam Referenc' per Cur' hic fact' ſecundar' hujus Cur' ad retornand' aliquam Juratam ſeu nominand' quadraginta & octo ſuffic' Jur' ad triand' aliquem exit' hic ad Barr' in preſentia Attorn' ambarum partium qd' ſi Attorn' ex una parte defalt' fecit' ad comparend' coram eodem Secondar' tempore per ipſum appunctuat' pro nominatione Jur' præd' ſeu ad extrapoſition' duodecim de utraq; parte præd' in tali Caſu idem Secondar' nominabit' Jur' præd' in abſentia Attorn' qui defalt' inde fecit' vel extraponet ex iiſdem quadraginta & octo Jur' duodecim ex utraq; parte. Et reſid' Jur' retorn' forent per Vicecom' ad triand' Exit'.

Per Cur'.

Eodem

Eodem Die.

ORdinat' eſt qd' ſuper emanatione alicujus brevis de Scire Fac' ſuper aliquam Sectam hic in Cur' penden' null' Breve de alias Scire Fac' ſuperinde emanabit quouſq; primum Breve de Scire Fac' retornabile exiſtit'. Et ſi aliquod Breve de al' Scire Fac' proſecut' fuit' in contrarium tunc hujuſmodi al' Scire Fac' vacuum ſit.

No *alias Sci' Fac'* to iſſue forth, until the firſt ſhall be retornable.

Per Cur'.

Die Lunæ poſt Craſt' Aſcen' Dom' Anno 9 Will' Regis. (1697.)

ORdinat' eſt qd' nullus Rotulus placitorum affiletur poſt finem prox' ſubſequen' Termini de quo affilari debuit, Niſi licentia ad hoc faciend' dat' fuit' per Regulam Cur' & Secondar' talem Regulam ſubſcripſerit. [*Vide Page* 37. & 42, 43.]

When a Roll ſhall not be filed without Licence.

Die Veneris prox' poſt Craſt' Stæ Trin' Anno 9 Will' tertii Regis.

ORdinat' eſt qd' ſeperales Attorn' hujus Cur' qui omiſerunt affilare Rotulos ſuos attend' Magiſtrum Aſton cum eiſdem Rotulis. Et ipſe examinabit intration' ſeperal'

A Rule for the then Attornies to bring in their Rolls to the then Secondary.

ſeperal' Judic' & exit' in eiſdem content' & ordinabit affilation' eorundem vel certificabit Cur' inde.

Per Cur'.

Die Mercurii prox' poſt tres Septim' Stæ' Trin' Anno 9 Will' tertii Reg'.

Where Common Bail may be filed for a Priſoner (not charged in Execution after Judgment.)

ORdinat' eſt qd' ſi Judicium reddit' ſit verſus aliquem Defend' exiſten' Priſonar' in actual' Cuſtod' Mar' hujus Cur' ſi idem Defend' minime onerat' fuit' in Cuſtod' ejuſdem Mar' ſuper eodem Judicio in Executione ante finem Secundi Termini poſt Judicium verſus eundem Defend' obtent' (null' Breve de Errore ſuperinde penden') qd' tunc Commune Ballium affilabitur pro tali Defend' ſuper notitiam inde Attorn' pro Quer' in tali Judicio prius dand'.

Per Cur'.

Die Sabbati prox' poſt Octab' Sti' Martini, Anno 9 Will' tertii Regis.

What Time the Clerks muſt bring in their Rolls.

ORdinat' eſt qd' omnes & ſingul' Cler' Capitalis Clericorum hujus Cur' intulit' ſeperales Rotulos de hoc inſtante Termino ante diem Eſſoin' prox' Termini. Ita qd' affilentur de iſto Termino Acetiam Rotulos de Termino Sancti Hillarii ante diem

diem Eſſoin' Termini Paſchæ prox' ſequen'. Et Rotulos de Termino Paſchæ prox' ſequen' ante finem Termini Sanctæ Trinitatis prox'. Et Rotulos de Termino Sanctæ Trinitatis ante diem Eſſoin' Term' Sancti Michaelis prox' ad affiland' ſimiliter. Et ſic quolibet Termino ſucceſſive: Et qd' nulli Rotuli de cetero recipiantur poſt ſeperalia tempora ſupradict' abſq; Special' Reg' Cur' in contrar' obtinend'.

Die Veneris prox' poſt Craſt' Stæ' Trin' Anno 10 *Will' tertii Regis.*

ORdinat' eſt qd' omnes & ſinguli Cler' Capitalis Clericorum hujus Cur' intulerint Rotulos de quolibet Term' Paſch' hic in Cur' ante primum diem cujuſlibet Termini Sanctæ Trinitat'. Ita qd' iidem Rotuli affilentur & ult' ordinat' eſt qd' ſeparal' Rotuli de ult' Termino nondum affilat' prolat' erint hic in Cur' indilate per ſeperal' Clericos præd', ita quod tal' Rotuli affilentur de eodem Termino.

The like Rule for the Rolls of every *Eaſter* Term.

Per Cur'

5

Die

Die Jovis prox' poſt Octab' Stæ' Hillarii Anno 10 *Will' tertii Regis.*

No Bail to be put in upon a *Hab' Corp'* before the Writ be return'd, *&c.*

ORdinat' eſt qd' null' Ballium fuit' impoſit' ſuper aliquo Brevi de Hab' Corp' priuſquam Breve illud fuit' retornat'. Et qd' tale Ballium non capt' fuit' per aliquem Juſticiar' hujus Cur' Niſi Breve ill' cum retorn' inde oblat' fuit' coram Juſticiar' præd' tempore Impoſitionis inde ad affiland'.

Per Cur'.

Die Mercurii prox' poſt quinq; Septiman' Paſchæ, Anno 11 *Will' tertii Regis.*

Where the Defendant's Attorney may enter the Plaintiff's Demurrer upon Record, *&c.*

ORdinat' eſt qd' ſi aliquis Querens hic in Cur' morabitur in lege alicui placito rejunctioni vel rebutter per aliquem Defend' hic in Cur' exhibit' & talis Defend' jungit' in tali moratione in lege qd' tunc Attorn' pro Quer' intrabit' de Recordo talem moration' in lege. Et in defect' inde ſuper Regulam per Secondar' hujus Cur' dat' pro intration' talis morationis in lege Attorn' pro Defend' intrabit de Recordo talem morationem.

Die

Die Mercurii prox' poſt quinq; Septiman' Paſchæ Anno 11 *Will' tertii Regis.*

Regul' General' for a Defend' to put in Special Bail.

ORdinat' eſt qd' in aliqua Actione hic in Cur' prolat' ubi Defend' ſecund' Curſum hujus Cur' Special' Ballium imponere debet qd' talis Defend' in ſeperalibus Terminis Sti' Hillarii & Stæ' Trinitat' habebit licentiam ad imponend' ſufficie' Ballium ad Sectam alicujus Quer' ante diem Continuation' per Secondar' hujus Cur' appunctuand'. Et qd' infra tempus præd' Quer' non proſecut' fuit' aliquod Proceſs' verſus Defend' vel ejus manucaptores ſup' Scriptum obligator' Vic' vel Ball' libertat' dat' pro comparenc' Defend'. Et ulterius Ordinat' eſt qd' in ſeperalibus Terminis Sti' Michaelis & Paſchæ ſi Defend' arreſtat' fuit' infra Civit' London' vel Com' Midd' ſuper aliquem Proceſs' extra Cur' hic emanan' qd' Defend' hebit' licentiam ad imponend' ſufficien' Ball' ad Sectam Quer' ad aliquod tempus infra octo dies prox' poſt retorn' hujuſmodi Brevis vel præcept' & infra quatuordecim dies prox' poſt retorn' alicujus Brevis in aliquo al' Comitat' proſecut'.

Iſta Regu'a exonerat' fuit' Termino Sti' Michael' ann' quinto Annæ Reginæ.

Per Cur'.

Per Cur'.

[*See this Rule afterwards in* Engliſh.]

Die

Die Jovis poſt Craſtin' Pur' beat' Mariæ, Anno 11 *Will' tertii.* (1700.)

How Deeds acknowledged in Court, *&c.* ſhall be inrolled.

ORdinat' eſt qd' omnia facta & Indentur' in Cur' hic vel coram aliquo Juſticiar' hujus Cur' cognit' de cetero imperpet' irrotulentur inter Rotull' Capitalis Clerici hujus Cur' ad placita irrotuland' aſſign' & non alibi. Quodq; quilibet' perſona aliquod tale fact' vel Indentur' impoſterum in Cur' hic irrotuland' cognoſcen' comparebit publice in & Cur' hujuſmodi factum vel Indentur' cogn' in aperta Cur' quodq; quodlibet factum congnit' coram aliquo Juſtic' extra Cur' prolat' fuit' hic in Cur' per hujuſmodi Juſtic' propriis manibus ad irrotuland'.

Trin' 1700.

All Copies of Declarations, general Iſſues and Demurrers, to be paid for by the Defendants Attorney upon the Delivery.

WHEREAS the Defendants Attornies, and others, who have appeared for Defendants in this Court, and to whom Declarations have been delivered by the Courſe of the Court, do make Copies of the ſaid Declarations, and charge their Clients 4 *d. per* Sheet for every ſuch Copy, and afterwards do frequently pretend they have either loſt the ſame, or wilfully

wilfully refuſe to deliver back to the Plaintiff's Attorney ſuch Declarations when called for, which they ought to do; whereby many Inconveniencies and manifeſt Delays have been, and daily do happen to the Plaintiff's Proceedings: For Remedy whereof, it is ordered, That from and after the firſt Day of next *Michaelmas*-Term, upon the Appearance of any Attorney, or other Perſon for any Defendant in this Court, the Plaintiff's Attorney ſhall not be bound to deliver to the Defendant's Attorney the Original Declaration; but inſtead thereof, ſhall deliver a true Copy of ſuch Declaration; and that upon the Delivery or Tender thereof, the Defendant's Attorney, or other Perſon acting for him, ſhall pay unto the Plaintiff's Attorney, or other Perſon acting for him, for the Copy of ſuch Declaration, after the Rate of 4 *d. per* Sheet Copyways, together with the Stamps or King's Duty thereon, which ſhall ſerve and be in lieu of the Copy of ſuch Declaration uſually made by the Defendant's Attorney: And that upon pleading any General Iſſue or General Demurrer to any Declaration before any Special Demurrer or Special Plea pleaded, the Plaintiff's Attorney ſhall and may deliver unto the Defendant's Attorney a Copy of ſuch Iſſue or Demurrer, who ſhall pay for the ſame after the Rate of 4 *d per* Sheet Copy-

4 *d per* Sheet, and Duty.

Copyways, and alſo for the Stamps thereon. And if any Attorney or other Perſon ſhall refuſe to pay for the Copy of any Declaration ſo as aforeſaid tendred, the Plantiff's Attorney ſhall and may leave the ſaid Copy of ſuch Declaration in the Office with the Clerk that keeps the Files of Declarations of this Court, who ſhall receive the ſame without any Fee or Reward; and thereupon the Plaintiff's Attorney, giving Rules to plead, may for want of a Plea ſign Judgment; and before any Plea ſhall be received, the Defendant's Attorney ſhall pay for the Copy of ſuch Declaration, and the Stamps, as aforeſaid: And in Caſe the Defendant's Attorney ſhall not pay for the Copy of any General Iſſue or Demurrer, ſo as aforeſaid joined, and alſo for the Stamps, the Plaintiff's Attorney may ſign Judgment, as if no Plea or Demurrer had been given or pleaded.

The Declaration may be left in the Office, *&c.*

Upon Refuſal to pay for a general Iſſue or Demurrer, Judgment may be ſigned.

J. Holt.
Jo. Turton.
H. Gould.

Die

Die Jovis prox' poſt tres Septiman' Stæ Trin' Anno 1 *Annæ Reginæ.*

Regul' Generalis.

ORdinat' eſt qd' ſi aliqua perſona ſive perſonæ exiſten' vel impoſterum devenien' Pleg' ſive manucaptor' in Cur' hic pro aliquo Defend' in aliqua Actione quacunq; & implitat' per Actionem Debiti ſuper Recogn' in hujuſmodi Secta cognit' hujuſmodi perſonæ habebunt licentiam ad reddend' Corp' hujuſmodi Defend' Cuſtod' Mart' hujus Cur' in exoneratione manucaptor' ſuor' per ſpatium octo dierum integror' in pleno Termino prox' poſt retorn' Brevis de Latitat' vel al' Proceſs' verſus hujuſmodi manucaptor' proſecut'. Et ſuper notitiam inde dat' Quer' vel ejus Attorn' in Secta præd' ceſs' omnis ulterior Proceſs' verſus hujuſmodi Pleg' ſive manucaptor' ſuper Recogn' præd'.

What Time the Bail, being impleaded upon their Recognizance, ſhall have to render the Defendant's Body into Cuſtody, *&c.*

Note, By Reaſon the 24th Day of *June* falling to be on *Wedneſday* the laſt Day of *Trinity*-Term this Year, the Term was adjourn'd from *Tueſday* to *Thurſday*; and ſo the laſt Day of the Term was *Thurſday*, and not *Wedneſday*.

Regul' Generales.

Die Jovis prox' poſt tres Septiman' Sanctæ' Trinitat' Anno 1 *Annæ Reginæ.*

What Notice the Defendant's Attorney muſt give the Plaintiff upon Defendant's rendring himſelf into Cuſtody in Diſcharge of his Bail, *&c.*

ORdinat' eſt qd' ubi aliquis Defend' in aliqua Actione hic in Cur' penden' reddit' fuit' Cuſtod' Marr' hujus Cur' in executione manucaptor' ſuor' Attorn' pro tali Defend', indilate dabit notitiam de tali redditione Attorn' pro Quer & præſtitit' Sacramentum inde priuſquam Ball' in Actione illa fuit' affilat' ſeu exonerat' & in defectu inde talis redditio vacua erit.

Die Mercurii poſt tres Sept' Stæ' Trin' Anno 3 *Annæ Reginæ.*

How upon a Perſon's rendring himſelf into Coſtody in Diſcharge of his Bail in Court, or before a Judge, the *Reddidit*, *&c.* is to be left.

ORdinat' eſt qd' ubi aliqua perſona reddet ſe in Cur' hic vel coram uno Juſtic' hujus Cur' in exoneratione manucaptor' ſuorum vel duct' fuit' ſuper Breve de Hab' Corp' hic in Cur' vel coram Juſtic' præd' in ordine ad committend' Cuſtod' Mar' hujus Cur' tale reddidit ſe vel Breve de Hab' Corp' unacum retorn' inde remaneat cum Secondar' hujus Cur' vel Clerico Juſtic' coram quo talis perſona reddit'

reddit' vel duct' fuit' fore affiland'. Et qd' Copia ſive nota tantum talis reddition' vel retorn' Brevis de Hab' Corp' ſub manu talis Juſtic' vel Secondar' deliberat' fuit' Mar' hujus Cur' tempore commiſs' talis perſone Cuſtod' ſue. Et talis Copia ſive nota fact' & preparat' fuit' per perſonam ſic ſe reddend' vel proſequend' tale Breve de Hab' Corp' vel Attorn' ſuum ex parte ſua.

And a Note or Copy for the Marſhal.

Die Sabbati prox' poſt Mens' Paſchæ Anno 5 Annæ Reginæ. (1706.)

ORdinat' eſt qd' Speciale Li' Lo' non allocetur Defend' ſine licenc' hujus Cur' prius obtent'.

No Special Imparlance without leave of the Court.

Die Mercurii prox' poſt tres Septiman' Sti' Michaelis, Anno 5 Annæ Reginæ. (1706.)

ORdinat' eſt (in Proſecution' cujuſdam Actus Parliamenti nuper edit' & provis' ad compelland' ſeperal' Attorn' hujus Cur' affilare Warrant' ſua Attorn') Qd' Attorn' pro Defend' tempore comparenc' ſue pro tali Defend' dabit Attorn' pro Quer' Warrant' Attorn' pro tali Defend'.

How the Defendant's Attorney ſhall give Plaintiff's Attorney a Warrant upon Appearance, &c.

fend'. Et tempore deliberation' Copie Narration' vel Allocation' inde ex Officio ubi affilatur ; ſolvit' quatuor denar' pro dicto Warrant' Attorn'. Quod quid'm Warrant' Attorn' præd' Quer' affilabit cum Officiar' appunctuat' pro affilatione inde eodem tempore quo affilat vel affilare debet Warrant' Attorn' pro Querente. Et ſi talis Attorn' pro Defend' recuſabit ſolvere Attorn' pro Querente dict' quatuor denar' pro Warrant' Attorn' præd' modo & forma ſupradict' tunc tal' Attorn' pro Querente ſuper tal' Recuſation' ſignare poterit Judicium verſus Defend' in tali Actione per Defalt'.

Upon Refuſal, Plaintiff's Attorney may ſign Judgment by Default.

Die Jovis prox' poſt quinden' Sti' Martini, Anno 5 *Annæ Reginæ.*

When a Defend' ought to plead, being arreſted upon Proceſs returnable before *tres Sept' Paſ. vel Mens' Mich' &c.* and Plaintiff declares in *Lond'* or *Midd'*, and delivers or files his Decl' before the Eſſoin-day of *Mens' Paſc. &c.*

ORdinat' eſt qd' ſi aliqua perſona ſive perſonæ exiſten' arreſtat' ſuper aliquod Breve de Latitat ſive aliquem al' Proceſs' è Cur' hic emanen' retornabile hic in Cur' ante tres Septimanas Paſchæ in Termino Paſchæ vel Mens' Michaelis in Termino Sti' Michaelis & Defend' comparebit & imponet Co'ie ſive Speciale Ball' ſuperinde, & Quer' narraret in aliqua Actione quacunque & lncaret Actionem ſuam in London' vel Com' Midd' qd' tunc

ſi Narratio deliberat' fuit' Attorn' pro Defend' vel affilat' ſeu relict' in Officio ante diem Eſſoin' Mens' Paſchæ in Termino Paſchæ, & ante diem Eſſoin' Mens' Michaelis in Termino Sti' Michaelis, tunc Defend' in tali Actione ſuper Regulas dat' placitabit ad exitum de eodem Termino quo Narratio deliberat' affilat' ſeu relict' exiſtit per ſpatium duorum dierum prox' ante diem Eſſoin' prox' Termini aliter Judicium intrari poterit per Defalt' ſed ſi Narratio non deliberat' affilat' ſeu relict' fuit' uſq; poſt præd' ſeperal' dies Eſſoin' in quolibet Termino Paſchæ, & Termino Sti' Michaelis tunc Defendens habebit licentiam placitandi uſq; prox' Terminum ſecundum antiquam conſuetud' hujus Cur'.

[Quer. *If this Rule was not made,* Die Jovis prox' poſt Craſt' Animar' Anno 5 Annæ Reginæ; *for ſo it appears by the Book.*]

Several enſuing

Rules and Orders

(In *Engliſh*)

Approved of by the

JUDGS.

De Termino Trin' quarto Willielmi & Mariæ.

An Order.

WHEREAS the Clerks and Attornies of this Court, notwithſtanding the ſeveral Rules and Forfeitures, for the true Filing of Common Bails, do yet neglect to file their Common Bails, to the great Damage of the Plaintiffs, and Detriment of the chief Clerk: (For Remedy whereof)

IT is Ordered by this Court, That after the End of this preſent Term, every Clerk and Attorney of this Court, who ſhall be an Attorney for the Defendant, ſhall pay

to the Plaintiff's Attorney, upon the joyning of every Iſſue, One Shilling and Six Pence for the Common Bail, unleſs the Attorney for the Defendant ſhall make it appear to the Plaintiff's Attorney, that Common or Special Bail is Filed.

AND it is further Ordered, That every Clerk or Attorney for the Plaintiff, on his Account for his Entries, ſhall pay to the Secondary of this Court, One Shilling and Six Pence ſo by him received; and that every Clerk and Attorney, who ſhall act to the contrary of this Rule in any part, ſhall reſpectively forfeit Ten Shillings for every Default, to be paid to the Box of this Court.

AND it is further Ordered, That all Clerks and Attornies for the Plaintiff, upon Signing of Judgments by Default, or by [*non ſum Informatus,*] ſhall pay to the Secondary of this Court, One Shilling and Six Pence for the Common Bail, unleſs it was before Filed, and that One Shilling and Six Pence ſhall be allowed the Plaintiff in his Coſts.

J. Holt.
W. Dolben.
W. Gregory.
G. Eyre.

[*See this Rule before in* Latin, *Page* 32, &c.]

Orders

Orders for taking Bail before Commiſſioners in the Country.

King's-Bench.

Note, It is Enacted *Stat.* 4 *W.* & *M.* That Bail may be taken in the County before a Special Commiſſioner for that Purpoſe authorized by the Judges of the *King's-Bench*, *Common-Pleas*, and Barons of the *Exchequer*, reſpectively.

In the taking and filing whereof, it is to be obſerved;

That in the [*King's-Bench*,] there are Orders put forth by the Judges for that Purpoſe, to the Effect following:

FIrſt, It is Ordered, That the Bail-piece ſhall be fairly Drawn and Ingroſſed in Parchment, in the Form following, *viz.*

Midd'

A. B. Attorn' pro Def. } Midd' ſſ. Johannes Doe de Iſlingt' in Com' pred' Gen' Traditur in Ball' ſuper Cepi Corp'. Johanni Denn de Hackney in Com' pred' Gen'. Rich' Fen de Highgate in Com' pred' Gen'.

Capt' & Cognit' .. die .. 1696. coram A. B. un' Commiſſionar', &c. ad ſectam Richardi Doe.

And in taking of the Recognizance theſe like Words muſt be uſed, (*viz.*)

Words to be uſed.

You (calling the Bail by their Names) *do jointly and ſeverally undertake, that if the Defendant* [naming his Name] *ſhall be condemned in this Action at the Suit of the Plaintiff* [naming his Name], *he ſhall ſatisfy the Coſts and Condemnation, or render himſelf into the Cuſtody of the Marſhal of the* Marſhalſea *of the Court of* [Queen's-Bench,] *or you will pay the Coſts and Condemnation for him.*

And if any Bail be given upon any Action or Actions removed out of any Inferiour Court by Writ of *Habeas Corpus*, and retornable in the Court of [*Queen's-Bench*,] then

then inſtead of writing *ſuper Cepi Corpus*, as before, you muſt write *ſuper Brev' de Hab' Corp'*; and inſtead of writing the Plaintiff's Name, (as aforeſaid) you muſt write, *ad ſectam Quer' in Querel'*; and the Cognizors muſt undertake, that if the Defendant be condemned at the Suit of the Plaintiff or Plaintiffs in the Plaint, that he ſhall ſatisfy the Coſts and Condemnation, or render his Body, *&c.* as aforeſaid. *Cepi Corp. Hab. Corp.*

Secondly, It is Ordered, That the Affidavit for the due taking of every ſuch Bail ſhall be made either before ſome Judge of the [*Queen's-Bench*,] to whom the Bail ſhall be tranſmitted, or before ſome Perſon who ſhall have Power to take Affidavits in Matters and Cauſes depending in the ſaid Court. Affidavit to be made.

Thirdly, It is Ordered, That all Bails taken by any Commiſſioner within the Diſtance of Forty Miles from the Cities of *London* and *Weſtminſter*, ſhall be tranſmitted to the Lord Chief Juſtice of the Court of [*Queen's-Bench*] or to one of the Juſtices of the ſaid Court, within Eight Days after the taking thereof; and all Bails taken by any Commiſſioner above the Diſtance of Forty Miles from the ſaid Cities of *London* and *Weſtminſter*, ſhall be tranſmitted within Fifteen Days after the taking thereof, unleſs all the ſaid Juſtices ſhall be in their Circuits, and then as ſoon as any one of them Bails to be tranſmitted.

them ſhall be returned to his Chamber in one of the *Serjeants-Inn*.

Book to be kept.

Fourthly, Alſo every Commiſſioner is to have a Book kept purpoſely for entring the Names of the Defendant and his Bail, and of the Plaintiff, as it is in the Bail-piece, and the Time of the taking thereof, and of the Name of him by whom ſuch Bail ſhall be tranſmitted; and alſo the Name of the Attorney for the Defendant. And,

Excepting againſt the Bail, *&c.*

Fifthly, It is further Ordered, That the Plaintiff's Attorney ſhall be at Liberty to repair to the Commiſſioners Book for the Names of the Bail, to the end that they may enquire of the Sufficiency of them; and if they are found inſufficient, they may except againſt them within 20 Days after the ſaid Bail is tranſmitted, and Notice to the Plaintiff or his Attorney, of the taking thereof: And in that Caſe the Defendant muſt either put in better Bail, or the Cognizors of ſuch Bails muſt juſtify themſelves in Court, either by Affidavit taken before ſuch Commiſſioner that took the ſaid Bail, or by Oath made in Court, or before one of the Judges of the ſaid Court.

G. Eyre.
W. Dolben.
J. Holt.

Rules

Rules to be obſerv'd in His Majeſty's Court of King's-Bench, *in Proceedings upon Declarations deliver'd to Priſoners in Gaol.*

It is Ordered as followeth:

1ſt, THAT no Copy of any Declaration be delivered to a Priſoner in Cuſtody, before the Day of the Return of the Proceſs, upon which the Defendant was taken or charged in Cuſtody.

2dly, That no Rule be given for the Defendant in Cuſtody to appear, and plead to any Declaration againſt him, till an Affidavit be filed with the Clerk of the Rules, of the Delivery of a Copy of ſuch Declaration, and the Time when, and the Perſon to whom the ſame Copy was delivered; and that the Defendant was arreſted or charged in Cuſtody, by Proceſs of this Court retornable before the Delivery

very of ſuch Copy, and that the Time when ſuch Affidavit was filed, be entred upon the ſaid Affidavit by the Clerk of the Rules, and a Copy of ſuch Affidavit be produced to the Prothonotary or Secondary before Signing of Judgment.

3dly, If a Copy of the Declaration be delivered againſt ſuch Defendants, before *Menſem Paſchæ*, or *Craſtinum Animarum*, and Affidavit thereof made and filed; and the Defendant doth not appear before the End of Ten Days after *Eaſter* and *Michaelmas*-Term reſpectively, Judgment may be entred againſt him, if Rules have been given; but if he doth appear before the End of Ten Days after the Term, he ſhall Imparle until the next Term; unleſs the Action be in *London* or *Middleſex*, and the Defendant be in Priſon within Forty Miles of *London* or *Weſtminſter*; then though he doth appear before the Expiration of Ten Days after the End of the Term, he ſhall plead Two Days before the Eſſoin-Day of the next Term; and in Default thereof, Rules having been given, Judgment may be entred againſt him as aforeſaid.

4thly,

4thly, If a Copy of the Declaration be delivered againſt ſuch Defendant, on or after *Menſem Paſchæ* in *Eaſter*-Term, or *Craſtinum Animarum*, in *Michaelmas*-Term, or in *Hillary* or *Trinity*-Term, and thereupon the Plaintiff gives Rules to appear and anſwer; then if the Defendant appear Two Days before the Eſſoin-Day of the next Term, he ſhall Imparl until the ſaid next Term: But if he does not appear within that Time, Judgment may be given againſt him.

5thly, If a Writ be retornable in any Term, and a Copy of the Declaration has been deliver'd before the Eſſoin Day of the next Term, the Plaintiff in ſuch next Term may give Rules to appear and anſwer; and if the Defendant does not appear, and plead upon the Expiration of the Rules, Judgment ſhall be given againſt him.

6thly, If the Declaration be not filed before the End of the next Term, after the Writ or Proceſs (by which the Priſoner was taken or charged in Cuſtody) is retornable, and Affidavit made, and filed in Manner aforeſaid, before the End of Twenty Days next after ſuch Term, the Priſoner

Priſoner ſhall be diſcharged by Common Bail, ſigned by one of the Juſtices of this Court.

7thly, If any Gaoler or Keeper of a Priſon, having received a Copy of a Declaration againſt any Priſoner in his Cuſtody, ſhall ſuppreſs the ſame, and not delivet it forthwith unto ſuch Priſoner, an Attachment ſhall be iſſued againſt him.

John Holt.
William Dolben.
William Gregory.
Giles Eyre.

[*See this Rule before in* Latin, *Page* 34, &c.]

Die

Die Mercurii prox' poſt quinq; Septimanas Paſchæ Anno undecimo Willielmi Tertii Regis.

An Order.

IT is Ordered, That in any Action brought in this Court, where the Defendant, according to the Courſe of this Court, ought to put in Special Bail, that ſuch Defendant in the ſeveral Terms of *Hillary* and *Trinity*, ſhall have Liberty to put in ſufficient Bail, at the Suit of any Plaintiff, before the Continuance-Day appointed by the Secondary of this Court, after the End of the ſeveral Terms aforeſaid; and that within that Time, the Plaintiff ſhall not iſſue out any Proceſs againſt the Defendant, or his Bail, upon the Sheriff's Bail-Bond, or the Bailiff of the Liberty, given for the Defendant's Appearance.

AND it is further Ordered, That in the ſeveral Terms of *Eaſter* and *Michaelmas*, if the Defendant ſhould be arreſted within the City of *London* and County of *Middleſex*, upon any Proceſs iſſuing out of this Court, that the Defendant ſhall have Liberty to put in ſufficient Bail at the Suit of the Plaintiff any Time within Eight Days after the Retorn of the Writ or Precept, and within Fourteen Days after the Retorn of any Writ iſſued out in any other County.

Per Cur'.

[*See this before in* Latin, *Page* 45.]

De Term' Sancti Michaelis:

Anno Regni Dom' Annæ nunc Reginæ, Angliæ, &c. tertio.

WHereas divers Complaints have been made to us, That many Attornies and Clerks of the ſeveral Courts at Weſtminſter *are not admitted of any of the* Inns of Court *or* Chancery *according to ancient Courſe and Uſage, by which they might be reſorted to, and Buſineſs of Law better managed, to the greater Eaſe of the Queen's Subjects: The Neglect whereof is to the great Detriment and Decay of the Societies of the Law, and divers Inconveniencies do thereupon daily happen. For Prevention whereof, and to Eſtabliſh a Remedy for the future,*

IT is Ordered by the Judges of the ſeveral Courts of *Queen's-Bench* and *Common Pleas*, and the Barons of the Court of *Exchequer* at *Weſtminſter*, That all Attornies and Clerks of the ſaid Courts, not already admitted into one of the *Inns of Court* or *Chancery*, ſhall procure themſelves to be admitted into one of the ſaid *Inns of Court* (if thoſe Honourable Societies ſhall pleaſe to admit them) or into one of the

That all Attornies and Clerks ſhall procure themſelves to be admitted of ſome *Inns of Court*, &c. and take Chambers if, *&c.* or elſe Lodgings in ſome convenient Place near.

Inns of Chancery, before the End of *Trinity*-Term now next enſuing, and take Chambers there, (if conveniently they may be had) elſe that they take Lodgings in ſome convenient Place near the ſaid *Inns*, and leave Notice in Writing with the Butler or Porter of ſuch *Inn*, whereof they are admitted, where their Lodgings or Habitations are; (except ſuch Perſons who are or ſhall be hereafter Inhabitants or Houſekeepers in *London*, *Weſtminſter*, *Southwark*, or the Suburbs thereof, and Liberty of the *Tower of London*, and *St. Katherine*'s there; and ſuch who are Sworn Attornies of any Courts within the ſaid Cities, Towns, and Liberties.)

Perſons excepted.

That none ſhall be ſworn an Attorney, *&c.* unleſs ſo admitted, and produces a Certificate to be filed; To which the Treaſurers and Principals may reſort.

AND it is further hereby Ordered, That for the future no Perſon whatſoever ſhall be ſworn an Attorney, or admitted or entred a Clerk of any of the ſaid Courts, or Offices thereunto belonging, (except the Perſons before excepted) unleſs firſt admitted of one of the *Inns* aforeſaid, and bring and produce at the Time of his being ſworn an Attorney, or admitted, or entred a Clerk, as aforeſaid, a Certificate under the Hand of the Treaſurer, or Principal of the *Inn* whereof he is admitted, which they are reſpectively to give, without being paid any Thing for the ſame, teſti-

teſtifying ſuch his Admiſſion: Which Certificate, every Attorney or Clerk ſo ſworn of the ſaid Court of *Queen's-Bench*, ſhall deliver to the Secondary of the ſaid Court; And every Attorney ſo ſworn of the ſaid Court of *Common-Pleas*, ſhall deliver to the Clerk of the Warrants of the ſaid Court; And every Clerk of the ſaid Court ſo admitted or entred, ſhall deliver to the reſpective Prothonotaries of whoſe Office he ſhall be admitted; And every Attorney ſo ſworn of the ſaid Court of *Exchequer*, or Clerks ſeated in any of the Offices belonging to the ſaid Court, ſhall deliver to the Queen's Remembrancer, or his Deputy for the Time being, to be by the ſaid reſpective Officers filed, before the Name of ſuch Attorney ſhall be entred into the Roll of Attornies, or ſuch Clerk admitted, entred or ſeated, as aforeſaid: Unto which File of Certificates, the reſpective Treaſurers and Principals of the ſaid *Inns of Court* and *Chancery* ſhall or may from Time to Time reſort, as they ſhall ſee Cauſe, without paying any Thing for the ſame.

AND it is further Ordered, That no Attorney already ſworn, or Clerk already admitted, entred, or ſeated, or which hereafter ſhall be ſworn, admitted, entred or ſeated,

None to put himſelf out of the firſt Society, until admitted in ſome other.

ſeated, and which are or ſhall be admitted into any of the Societies aforeſaid, ſhall put himſelf out of the Society whereof he is or ſhall be admitted, until he be admitted of ſome other of the ſaid Societies, and deliver to the Treaſurer or Principal of ſuch Society whereof he was firſt a Member, a Certificate in Writing, ſigned by ſuch Treaſurer or Principal, teſtifying his being admitted of ſuch other Society, (except ſuch Perſon ſhall totally leave off the Practice of the Law as an Attorney or Clerk in any of the ſaid Courts.)

Commons. AND whereas by the Uſage, Cuſtom, or Orders of the *Inns of Chancery*, the Members thereof were obliged to, and did come into Commons, and continue therein according to the Orders of ſuch Society, to the great Eaſe in tranſacting their Cauſes one with another, and much Benefit to their Clients. But of late, moſt, or a great Number of the ſaid Attornies and Clerks, have neglected to come into Commons, or continue therein according to the reſpective Orders of the ſaid *Inns of Chancery*, to the great Decay and Detriment of thoſe Societies:

IT is further Ordered, That from the End of this preſent Term, the Attornies and Clerks, which now are or ſhall be admitted into any of the *Inns of Chancery*, do and ſhall come into, and continue in Commons for the Time or Times, as by the Orders of ſuch Society, whereof they are or ſhall be admitted, is, are, or ſhall be ordered, limitted or appointed for them ſo to do: And in caſe any Attorney or Clerk aforeſaid ſhall offend againſt this Rule, or any Part thereof, ſuch Attorney ſhall be put out of the Roll of Attornies; and ſuch Clerk ſo offending ſhall be diſcharged and diſplaced from ſuch Office to which he belongs, until he or they give Obedience to this Order: And the Secondary of the ſaid Court of *Queen's-Bench*, and the reſpective Prothonotaries, and Clerk of the Warrants of the Court of *Common-Pleas*, and the Queen's Remembrancer of her Court of *Exchequer*, or his Deputy for the Time being, and all other Officers whom it may concern, are hereby required to give Obedience to this Order, and ſee that the ſame (as to themſelves) be duly obſerved.

That the Attornies and Clerks ſo admitted, *&c.* ſhall come into and continue in Commons, *&c.* under a Penalty till Obedience.

AND for the more effectual and better putting in Execution this Order, and that it may procure the Good hereby deſigned and intended,

The Treaſurers, &c. to give in a Liſt of ſuch as are not ſo admitted.

IT is hereby further Ordered, That the reſpective Treaſurers, and Principals of the *Inns of Chancery*, and the Antients, Rulers, and Governors of the ſame, do and ſhall from Time to Time, by ſuch Ways and Means as they ſhall ſee fit and convenient, procure and get a Liſt of the Names of ſuch Attornies and Clerks of the ſaid reſpective Courts, who are not admitted of any of the ſaid *Inns of Court* or *Chancery*; which Liſt the ſaid Treaſurers and Principals, Antients, Rulers, and Governors, ſhall Yearly in *Michaelmas*-Term deliver unto the Right Honourable the Lords Chief Juſtices, and Lord Chief Baron of the ſaid reſpective Courts for the Time being, to the Intent the Offenders againſt this Order may be compelled to give Obedience to the ſame.

As alſo a Liſt of ſuch who irregularly take upon themſelves to practice, to the End they may be proceeded againſt, &c.

AND it is alſo hereby further Ordered, That the ſaid Treaſurers, Principals, Antients, Rulers and Governors, in like manner procure and get a Liſt of the Names of ſuch Perſons as take upon them to practiſe

ctiſe as Attornies or Clerks in any of the ſaid Courts, who are neither ſworn Attornies, or admitted, entred or ſeated Clerks in any of the Offices of the ſaid Courts; which Liſt is to be delivered as above, to the Intent that ſuch Offenders may be proceeded againſt in ſuch Manner as ſhall be thought fit.

John Holt.	*Jo. Blencowe.*
Tho. Trevor.	*H. Gould.*
Edw. Ward.	*R. Tracy.*
Ed. Nevill.	*Tho. Bury.*
John Powell.	*Ro. Price.*
Littleton Powys.	*J. Smith.*

Mich.

Mich. 1706.

For avoiding many Inconveniencies and Miſchiefs which daily happen to the Queen's Subjects who proſecute Suits in this Court, through the Neglect and Misfeazance of many of the Attornies of this Court, and other Perſons who practiſe as ſuch, in not entring on Record their ſeveral Judgments, Iſſues, and other Proceedings and Proceſs in this Court, to the great Damage and Loſs of their Clients.

That every Judgment, or an *Incipitur* thereof, ſhall be entred on the Roll before ſuch Judgment ſhall be ſign'd, &c.

IT is therefore Ordered by this Court, That from and after the Firſt Day of next *Hillary*-Term, every Judgment in Debt, Caſe, Covenant, Treſpaſs, Trover, or any other Action, ſhall be entred fairly on the Roll, or an *Incipitur* thereof, before ſuch Judgment ſhall be ſigned by the

the Secondary or any Judge of this Court, and the Names of the Plaintiff and Defendant, with the County where the Action is laid, and the Nature of the Action, with the Attorney's Name, ſhall be entred in a Book to be kept by the Secondary of the Court for that Purpoſe, for which nothing ſhall be paid but the ancient and accuſtomed Fee for entring ſuch Judgment.

AND it is further Ordered, That no Record of *Niſiprius* ſhall be ſealed or paſſed at the *Niſiprius* Office by the *Cuſtos Brevium* of this Court, or any Clerk of that Office, before the Iſſue in that Cauſe be fairly entred on Record, or an *Incipitur* thereof, and ſuch Entry with the Record of *Niſiprius* be firſt brought to, and ſigned by the Secondary of this Court, for which no Fee ſhall be demanded or paid, but the uſual and accuſtomed Fee due to the chief Clerk of this Court for Entry of ſuch Iſſue on Record.

And no Record of *Niſiprius* to be ſealed, before the Iſſue or an *Incip'* thereof be entred on Record, and both brought to the Secondary to be ſigned.

And it is further Ordered, That every Attorney ſhall bring in all his Rolls into the Office fairly Engroſſed in a good full *Court-Hand*, by the Times limited by former Rules; (that is to ſay), the Rolls of *Trinity*, *Michaelmas* and *Hillary*-Terms, before

And the Rolls to be brought into the Office in due Time.

before the Eſſoin-Day of every ſubſequent Term, and the Rolls of *Eaſter*-Term before the Firſt Day of *Trinity*-Term; and that no Attorney at large, or any other Perſon, ſhall take any Numbers, or file any Rolls, but the Clerks of the chief Clerk of this Court only.

And none but the Clerks to take any Numbers, or file any Rolls.

J. Holt.
J. Powell.
Littleton Powis.
H. Gould.

Note, *Some* Errata's *have eſcaped the Preſs, which the Reader is deſired to correct.*

THE

Die Martis prox' poſt Octab' Sancti Martini, Anno 4 Annæ Reginæ.

Rule concerning Ne Recipiatur.

ORdinat' eſt quod Defend' in aliqua Actione in London' vel Midd' & ad Seſſion' Domini Capitalis Juſtic' hujus Cur' triand' intrabit Ne Recipiatur & ratione inde impediet Quer' quod non procedere poſſit ad eandem Seſſion' Quod tunc bene licuit eidem Quer' ad procedend' ad triation' in Cauſa præd' ad prox' Seſſion dicti Capitalis Juſtic' poſt Intration' ſe præd' Ne Recipiatur Sed ſuper Notic' duran' præd' prima Seſſion' dand' Regula Generalis.

Die Mercurii prox' poſt tres Septimanas Stæ' Trin' Anno 2do Georgii Regis.

Rule concerning Superſeding of Actions.

ORdinat' eſt per Cur' quod ſi aliquis Defend' commiſſus fuerit Cuſtod' Marr' hujus Cur' vel onerat' fuerit in Cuſtod' ejuſdem Marr' vel arreſtat' & commiſſus fuerit virtute Proceſſus hujus Cur' Cuſtod' alicujus Vic' ſive al' Officiar' cujuſcunq; ad ſectam alicujus Quer' & ſic in Cuſtod' remanebit per duos Terminos & Quer' non narrabit verſus talem Defend' infra Tempus ill' quod talis Defend' poſt Finem ſecundi Termini poſt tale Impriſonamentum exonerabitur extra Priſonam qua ſic detentus erat ſuper affilationem communis Ballivi Signat' per un' Juſtic' hujus Cur' abſq; Noticia Quer' vel ejus Attorn' dand' Et ſi aliquis Quer' narrabit verſus talem Defend' Priſonar' in Cuſtod' Marr' hujus Cur' vel alicujus Vic' vel al' Officiar' ut prefertur remanen' & non procederit ad Triationem ſcire Judicium infra tres Terminos prox' poſt talem Narr' deliberat'

rat' vel ſi aliquis Quer' obtinebit Judicium in Cur' hac in aliqua Actione verſus aliquem Defend' Priſonar' & non onerabit prædictum Defend' ſic in Priſona remanen' in Executione ſuper Judic' ſic obtent' infra duos Terminos prox' poſt tale Judic' ſic habit' & obtent' tunc talis Defend' ſic in Priſona remanens habeat Licenciam ad affiland Ballivum vel ad proſequend Breve de Superſedeas e Cur' hic ſecundum Cons' hujus Cur' pro Exoneratione ſua e Cuſtod' præd' ubi ſic detent' fuerit per un' Juſtic' hujus Cur' concedend' ſi Cauſa non ei oſtenſa fuerit in contrar' per Quer' vel ejus Attorn' ſuper Notic' eis vel eorum alteri per Attorn' pro Defend' & Sacrm' ejuſd' Notic' faciend' ſi idem Quer' non comparebit coram Juſtic' præd' ad impediend' Affilationem Ballivi ſeu Conceſſionem prædict' Brevis de Superſedeas.

Per Cur'.

In

In Banco Rege 6 Georgii.

Rule concerning Notice of Writs of Inquiry.

Regula Generalis.

QUOD cum magnæ Dilationes ſepe contingunt Querentibus in eorum Sectis in Cur' hic ratione Moration' in Lege per Attorn' pro Def' poſtquam Iidem Querentes obtuler' Exit' per Priam' triand' ſuper Placita eorundem Defenden' placitat' & deliberaver' Libr' Papir' cum Notic' Triation' ſecundum Cons' hujus Cur' eo quod poſt Judicium per Quer' obtent' ſuper talem Moration' in lege non remanet tempus ſufficien' in Termino ad dand' Notic' Brevis de Inquir' de Dampn' exequend' infra termin' quo Judic' ſic obtent' fuit Io' Ordinat' eſt in futuro quod in omni Caſu ubi Quer' concludit ad Priam' ſuper Placitum Defend' & dabit Notic' Triation' ſuper Librum Papir' ut prefert' Et ſuperinde Defend' ad impediend' Triation' Exit' morabit in Lege ſuper Repl' vel ad Placit' Quer' & Quer' jungeret in tali moratione & ſuperinde obtenebit Judic' Attorn' pro Defend' tent' fuerit accipere Notic' Brevis de Inquir' de Dampn' Exequend' a tempore Notic' Triation' ſuper Librum Papir' dat' ut prefertur.

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FINIS.

R. Raymond
Ja: Raymond.
L. proBgn

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THE RULES AND ORDERS Of the COURT of COMMON PLEAS AT *WESTMINSTER*,

From *Michaelmas* Term 1654. Inclusive, to this present *Hillary* Term 1724.

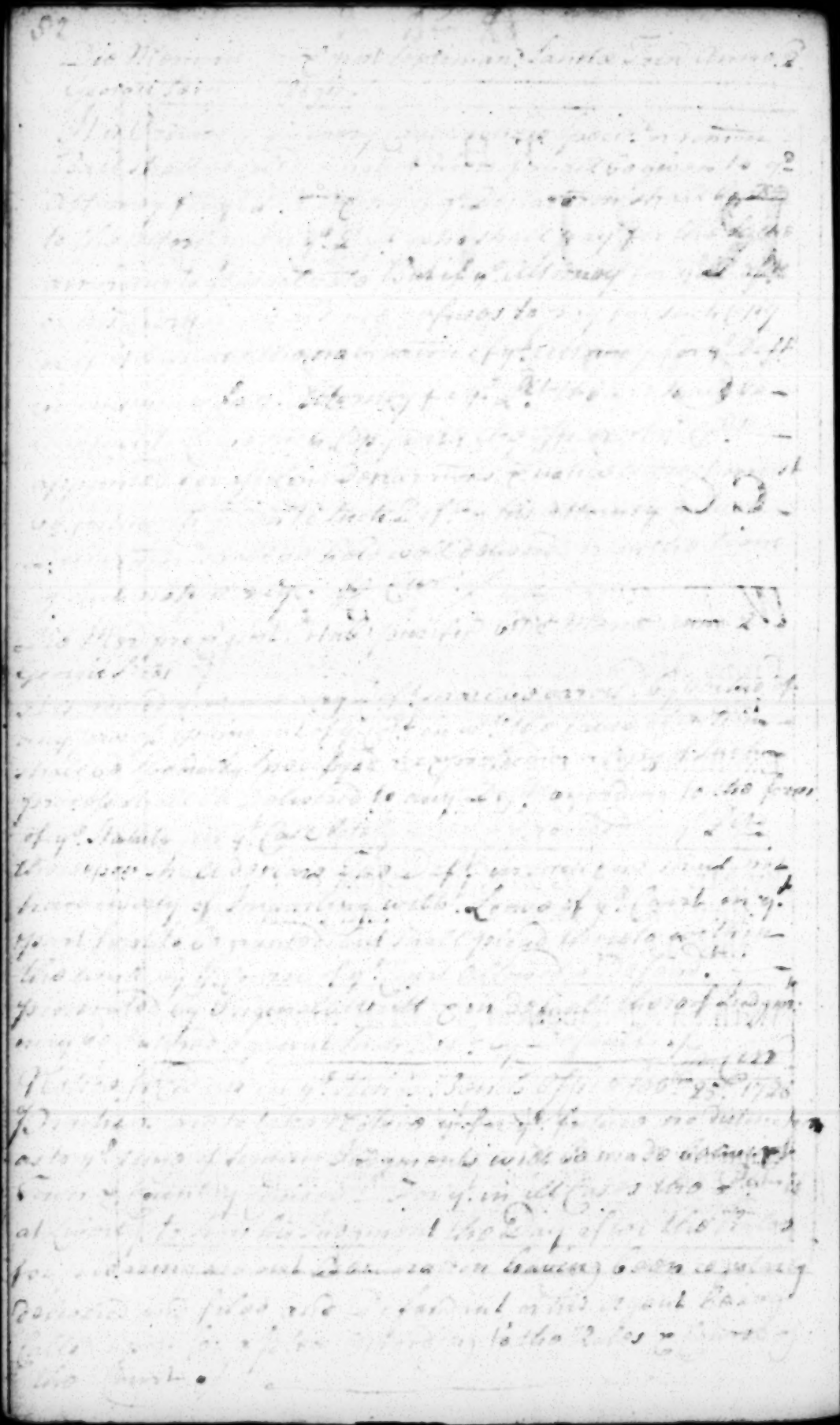
Examined by the Original RULES and ORDERS.

By Mr. *MILLES*, late Clerk of the Treasury of the same Court, and continued to this Time.

With an Alphabetical TABLE to the whole.

In the *SAVOY*:

Printed by E. and R. NUTT, and R. GOSLING, (Assigns of *Edw. Sayer* Esq;) for J. Walthoe in the *Middle-Temple-Cloysters*. MDCCXXIV.



Term. Mich. 1654.

Concerning Attornies and Officers.

THat all Officers and Attornies of the Court be admitted of ſome Inns of Court or Chancery, by the Beginning of *Hillary* Term next, or in the ſame Term wherein they are admitted Officers or Attornies; and be in Commons one Week in every Term, and take Chambers there; or in caſe that cannot be conveniently, yet to take Chambers or Dwellings in ſome convenient Place, and leave Notice with the Butler where their Chambers or Habitations are, under Pain of being put out of the Roll of Attornies.

To be admitted into Inns of Court or Chancery.

To be in Commons;

And To take Chambers in the Inns if it may be, or elſe, &c.

Pain.

When they are obliged to appear in Court each Term.

2. That all Officers and Attornies of this Court appear in Perſon in this Court, upon, or before the fourteenth Day of *Michaelmas* Merm; and upon, or before the ſeventh Day of every other Term, upon pain of ten Shillings for the firſt Default, twenty Shillings for the ſecond Default, and putting out of the Roll for the third Default. The appearance to be entred with the Clerk of the Warrants, and the Defaulters to be delivered to the Court upon Oath (if required) within three Days after the Time required for Appearance.

Pain, 1 Default.
2 Default.
3 Default.
Appearance to be entred, and Defaulters delivered in.

Sheriffs Deputies in Court to return and receive Writs. Their Names tabled with the Clerk of the Warrants.

3. That every Sheriff have his Deputy in Court to return and receive Writs, and that each Deputy yearly before *Hillary* Term have his Name and the Place of his Reſidence in *London* or *Weſtminſter*, ſet and continued up in Tables, in the Office of Clerk of the Warrants.

Clerks of Aſſize and their Deputies.

4. That the Clerks of Aſſize, their Deputies or Aſſiſtants, do perſonally appear with their *Poſteas* on the firſt Day of *Eaſter*, and *Michaelmas* Term; and the Deputy Sheriffs and all other Officers of the Court do perſonally appear by the Eſſoin-Day of every ſecond Return of every Term; and continue there during the Reſidue of the Term, without ſome juſt Cauſe to the contrary allowed by the Court.

Alſo Sheriffs Deputies, *&c.* to appear by a certain Day, and to continue, *&c.*

Common Solicitors not to practiſe, unleſs admitted Attornies of either Bench, *&c.* Proviſo.

5. That for the future Common Solicitors be not admitted to practiſe in this Court unleſs they are admitted Attornies of either Bench; provided that it extend not to the managing of Evidence at a Tryal, nor to Private Solicitors or Servants of Corpora-

tions, or other Perſons in the Caſes of their Maſters.

6. That none be admitted an Attorney of this Court for the Time to come, unleſs he hath practiſed as a Common Solicitor in this Court by the Space of five Years now laſt paſt; or hath ſerved, or ſhall have ſerved by the Space of five Years as a Clerk to ſome Judge, Sergeant at Law, practiſing Counſellor, Attorney, Clerk or Officer of one of the Courts at *Weſtminſter*, unleſs his Maſter die or give over his Practice, and be alſo upon Examination found of good Ability and Honeſty for ſuch Imployment; and that ſufficient Proof (to be put into Writing) be made of ſuch Service to the Prothonotary upon a Deſire of Admittance, and filed with the Clerk of the Warrants without Fee.

Nor any Attorney to be admitted unleſs he has practiſed as a Common Solicitor for five Years paſt.
Or ſerved as Clerk to a Judge, Sergeant, Counſellor, Attorney, *&c.* Unleſs, *&c.*
Proof of Service to be filed with the Clerk of the Warrants.

7. That no Perſon practiſe in another's Name, nor that any Attorney knowingly permit another to practiſe in his Name, upon Pain of being put out of the Roll, excepting in Warrants of Attorney for common Recoveries.

Practiſing in another Man's Name.
Pain.
Common Recoveries excepted.

8. That Attornies diſmiſſed by one Court from their Practice for Miſdemeanor, be not (after Certificate) admitted to practiſe in another Court, it being contrary to the Intent of the Law.

Attornies diſmiſſed one Court not to be admitted in another.

9. That no Under-Sheriff or Bayliff of Sheriffs or Liberties be admitted during ſuch their Employment to practiſe as Attornies, under Pain of Expulſion from the Employment of an Attorney, and not to be readmitted.

Under-Sheriff, Bayliffs, *&c.* not to practiſe as Attornies during, *&c.* Pain.

Attorney having not attended, &c. to have no Priviledge allowed.

10. That ſuch Attornies as have not been attending their Imployment in this Court by the Space of one Year laſt paſt, unleſs hindred by Sickneſs, be not allowed their Privilege of Attornies.

No Attorney to be Leſſee in Ejectment or Bail in any Action.

11. That for the Prevention of Maintenance and Brocage, no Attorney be Leſſee in an Ejectment, nor Bail for a Defendant in this Court in any Action.

Concern-

Concerning Sheriffs and Bayliffs.

THat, for the Prevention and Remedy of Delays and Abuſes in Sheriffs, Under-Sheriffs, Bayliffs of Liberties and their Deputies, and other Bayliffs of Sheriffs, *&c.* in Execution of Proceſs and Writs. That if it ſhall appear that any ſuch Officer ſhall wilfully delay the Execution or Return of any Proceſs or Execution, or ſhall take or require any undue Fees for the ſame, or ſhall give Notice to the Defendant, thereby to fruſtrate the Execution of any Proceſs or Writ, or having levied Money, ſhall detain it in their Hands after the Time of the Return of their Writs, beſides the ordinary Courſe of Amerciaments (the Contempt or Miſdemeanor appearing) an Attachment, Information, Commitment, or Fine to be, as the Caſe requireth. And this as well in the Caſe of a late Sheriff, or Perſon beforementioned, as of them at preſent in Office.

Sheriffs, *&c.* not executing Proceſs, or not returning them.

Or taking undue Fees.

Or giving Defendant Notice.

Or detaining Money levied.

To be puniſhed as the Caſe requireth.

And to extend to late Sheriffs, *&c.*

And whereas Sheriffs have taken immoderate and exceſſive Fees for Execution of Writs of Poſſeſſion, or Reſtitution of Poſſeſſion, contrary to Law; it is declared that ſuch immoderate Fees ought not to be taken; and in caſe ſuch ſhall be taken, the Court to proceed to puniſh the ſame according to Law, upon Complaint thereof made.

Sheriffs to be puniſhed for taking immoderate Fees upon Writs of Poſſeſſion and Reſtitution.

That to reform Abuſes by blank Warrants granted by Sheriffs, whereby Perſons are arreſted, and driven to extorted Com-

Blank Warrants to arreſt not to be uſed.

No Warrant to arreſt till a Writ firſt come to the Sheriff.

poſitions for their Liberties without Proceſs of Law; that no Warrants be granted out to any Officer to arreſt or attach any Perſon before a Writ firſt come to the Sheriff.

Concerning the Reformation and Puniſhment of Abuſes in general.

Jury of Attornies to inquire of Abuſes.

ORdered, That a Jury of able and credible Officers, Clerks and Attornies, once in three Years be impanelled, and ſworn to enquire.

Viz. Falſities, Contempts, *&c.*

1. Of the Points uſually inquirable by the Writ, *viz.* Falſities, Contempts, Miſpriſions and Offences.

Attornies and Clerks admitted notoriouſly unfit.

Puniſhment of ſuch.

2. Of ſuch who have been admitted Attornies or Clerks, and are notoriouſly unfit, their Names to be preſented to the Court, and they to be puniſhed or removed, as the Caſe ſhall require.

Of new or exacted Fees taken.

And to preſent a Table of Fees.

3. Of new or exacted Fees, and of thoſe that have taken them, under whatſoever Pretence, and to prepare and preſent a Table of the due and juſt Fees, that the ſame may be fixed and continue in every Office; and likewiſe for the Fleet.

The Witneſſes to give Evidence, to be ſome Clerks, ſome Artornies, in every County.

And that ſome Perſons be injoined and ſworn to give Evidence, *viz.* ſome Clerks of the Court, and ſome Attornies in every County, not excluding others.

Con-

Concerning the better Preſervation of Order among the Officers and Clerks, and Obſervation of Breach of Orders and Miſdemeanours.

THat the Court do once every Year in *Michaelmas* Term nominate twelve or more able and credible Practiſers in the Court to continue for the Year enſuing, for theſe Purpoſes hereafter limited. Twelve to be choſen yearly by the Court.

That they or any ſix of them examine ſuch Perſons as ſhall deſire to be admitted Attornies, and appoint convenient Times and Places for the ſame: And in order thereunto that ſuch Perſons as ſhall deſire to be admitted Attornies firſt attend the Prothonotary with his Proof of Service, then to repair to the Perſons appointed to examine Attornies, and being approved, to be preſented to the Court with the Aſſignation of his Approbation, and then to be ſworn in open Court, unleſs ſome juſt Exception be againſt him. To examine ſuch as would be Attornies. Such firſt to attend the Prothonotary. Then the Examiners. And if approved, to be ſworn in open Court.

That they give Information to the Court from time to time of Breaches of Orders, and Miſcarriages of Officers, Attornies and Clerks. To inform the Court of breach of Orders, &c.

That a ſettled Courſe of Practice and Proceedings be ſettled, eſpecially in thoſe Caſes where there hath been Uncertainty, and that the Inconveniencies in Proceſs, Proceedings and Pleadings may be regulated in a due Courſe. In order whereunto theſe ſeveral Things are ordered and directed according to the Method of Proceedings.

---

1. *Concerning the Entring of Records and the Perſons by whom.*

Rolls to be delivered only to Clerks or entring Attornies.

THat no Rolls be delivered to be entred but only to Clerks, or ſuch Attornies as have entred for the Space of four Years laſt paſt, for themſelves.

A Table to be ſet up of thoſe who may come to the Rolls in the Treaſury.

That a Table be ſet up of the Names of the Officers and Clerks that are to be admitted unto the Rolls of the Treaſury: And that ſuch and no others be admitted thereunto, and that they may reſort there as well for their Occaſions, as for their Learning and Inſtruction, during the Term, and alſo twice in every Week from a Month after the Term, and that every ſuch Clerk duly attend as well the Prothonotary's Office in the Term Time as for the entring of Judgments upon Summons given by the Prothonotary reſpectively.

For their Occaſions or Inſtruction Prothonotaries, Clerks to attend the Office, *&c.*

For

For the Prevention of the undue iſſuing of Judicial Writs: and falſifying of Records. It is Ordered,

Prothonotary to ſign all Exemplifications, Executions and other Writs out of his Office before ſealing.

THat all Executions and all other Writs iſſuing out of the Prothonotaries Offices be duly ſigned by the reſpective Prothonotaries before the ſame be ſealed, and that no Exemplification of any common Recovery or other Record which ought to be examined and ſigned by the Prothonotary, be ſealed before the ſame have been ſigned by the Prothonotary. Nor that any Exemplification (excepting Exemplifications of Fines and common Recoveries of the preſent or next precedent Term) be ſealed before they be firſt ſigned and examined by the Clerk of the Treaſury.

All Exemplifications after two Terms to be ſign'd by the Clerk of the Treaſury before ſealing.

Prothonotaries Clerks muſt enter but in one Office.

And becauſe the Intermedling and Dealing of Clerks in more than one Prothonotary's Office at one time, hath been an Occaſion of Diſorder and Uncertainty in Proceedings: It is likewiſe Ordered, That every Prothonotary's Clerk do apply himſelf from henceforth to one Prothonotary's Office only, and do give his Attendance and make his Entries in that Prothonotary's Office.

2. *Con-*

2. *Concerning Rolls and Records, and their Entries and Bringing in.*

Cauſes to be proceeded on in the ſame Office in which begun.

THat the whole Proceedings of any Cauſe after Appearance be carried on in the Office of that Prothonotary where it was firſt entred, or Declaration delivered.

No Rolls muſt be carried into the Country.

That no Rolls be carried into the Country, under Pain that the Offender be excluded from entring any more Rolls afterwards as a Clerk.

Rolls except *Eaſter* when to be brought in.

That the Common Rolls of every Term, except *Eaſter*, be brought into the Prothonotary fairly entred, and docketted at leaſt ten Days before the Eſſoin-Day of the ſucceeding Term, under Pain of ten Shillings for every Roll wanting.

Under pain of 10 *s.* per Roll.

No Rolls to be delivered to ſuch Perſon offending twice *&c.*

And that no Rolls be delivered to ſuch Perſon after any ſuch Offence the ſecond Time, without ſpecial Order.

Names of Defaulters to be given into Court.

That the reſpective Prothonotaries before the third Day of the then next Term, do give in the Names of the Defaulters and Defaults unto the Court in Writing.

Rolls to be delivered to the Clerk of the Warrants. With a Note of *Carts.*

That the Rolls brought into the Prothonotary be delivered over to the Clerk of the Warrants the Day before the Eſſoin-Day of the enſuing Term, together with a Note of the Rolls that are wanting, the ſame Note to be ſubſcribed by the Clerk of the Warrants, and re-delivered to the Prothonotary.

That

That the Clerk of the Warrants within five Days after Receipt of the Rolls from the Prothonotary, to deliver over the Common Rolls to the Clerk of the Eſſoins, taking the like Note from the Clerk of the Eſſoins of the Rolls wanting.

Clerk of the Warrants to deliver them to the Clerk of the Eſſoins.

That the Clerk of the Eſſoins bind up the Rolls, *viz.* the firſt Part before the Appearance-Day of the ſecond Return, the ſecond Part before the Eſſoin-Day of the third Return, the third Part of the Eſſoin-Day of the next Term.

Time when the Clerk of the Eſſoins to bind them.

That the Rolls of *Eaſter* Term be brought to the Prothonotary, on or before the firſt Day of *Trinity* Term, delivered to the Clerk of the Warrants within ſix Days, to the Clerk of the Eſſoins within five Days after, to be bound up before the Eſſoin-Day of *Michaelmas* Merm, each Party ſubſcribing the like Notes, and the Penalties the ſame as before.

Rolls of *Eaſter* Term how to be brought in, *&c.*

Concerning Original Suits and Proceſs, and where laid.

THat Actions upon the Caſe, Treſpaſs for Goods, Aſſault or Impriſonment ariſing in any *Engliſh* Country, be laid in their proper Counties, unleſs they ariſe where Juſtices of *Niſi prius* ſeldom come. And becauſe Treſpaſs or Trover for Goods, Battery, Impriſonment and Slander muſt needs be notorious in what County they ariſe; the Attorney knowingly laying

Caſe, Treſpaſs, Aſſault or Impriſonment to be laid in their proper Counties, unleſs, *&c.*

Attornies laying Actions of Treſpaſs, Trover for Goods, Battery, Impriſonment and Slander.

In Foreign County unleſs, &c.

To be ſeverely puniſhed.

ing them out of the proper County (unleſs in the Caſes before expreſſed, or for ſuch other Cauſes as ſhall be allowed by a Judge of the Court, and duly made appear to be true) be ſeverely puniſhed.

Viſne where changeable in tranſitory Actions.

When to plead thereto. How changed when Defendant comes in by Exigent.

That although the Declaration be delivered ſeven Days before the laſt Day of the next precedent Term, or after, yet before Plea, upon Oath made, the Viſne may be changed upon Motion in the ſaid tranſitory Actions the next Term after: And the Defendant to plead to the new Action, as he ſhould have done in the other without Delay.

That the Viſne may be changed (upon Oath) as before, though the Defendant come in by Exigent.

Concerning Proceſs, and ſerving thereof.

Proclamations on Exigents, *ſur Stat.* 31. *El. cap.* 3. To be carefully delivered and proclaimed.

THat according to the Proviſion of the Statute of the one and thirtieth Year of Queen *Elizabeth*, all Attornies that ſue out Proceſs of Exigent be careful that Writs of Proclamation be delivered, and the Sheriff do take care duly to execute the ſame.

Of Bonds taken for Appearance, *ſur Stat.* 23 *H.* 6. *cap.* 10.

Unleſs there be Acceptance of Appearance without Bail by the Plaintiff.

That according to the Statute of the twenty third Year of *Henry* the ſixth, a Priſoner taken upon a *Capias* in Proceſs be not diſcharged till he hath given Bond to appear, unleſs the Plaintiff or his Attorney ſhall conſent to take an Appearance without Bail. And in ſuch Caſe the Warrant of Attorney

Attorney to appear, to be ſubſcribed or accepted by the Defendant's Attorney, and ſuch Warrant not to be revoked, and an Attachment to be granted againſt the Bayliff offending herein, or againſt the Attorney refuſing to appear or procure an Appearance, having ſo ſubſcribed or accepted.

Defendant's Warrant of Attorney to be ſubſcribed and not to be revoked.

Attachments againſt the Offender.

And foraſmuch as divers Sheriffs, Bailiffs of Liberties, and their Bailiffs reſpectively have of late time contrary to Law, and againſt former Orders of this Court, diſcharged Perſons taken upon Outlawries without *Superſedeas*; it is hereby declared, that ſuch Dealing is an Abuſe; and that all ſuch, who have or ſhall diſcharge ſuch Perſons without *Superſedeas*, ſhall be ſeverely puniſhed. And that no Sheriff, Under-Sheriff, their Deputies or Bailiffs, may from henceforth diſcharge or ſet at Liberty any Perſon or Perſons arreſted upon any *Capias utlagat'* until he receive a *Superſedeas* according to Law from the Officer or Officers thereunto appointed.

Perſons taken upon Outlawries not to be diſcharged without a *Superſedeas*.

The Officers, *&c.* offending to be ſeverely puniſhed.

Concerning a Habeas Corpus *to Sheriffs and Gaolers.*

THat a *Habeas Corpus cum Cauſa ad faciendum & recipiendum*, directed to any Sheriff (other than *London* or *Middleſex*) not to be returnable *immediatè*, or in the Vacation Time, but at a Day certain in Court in the Term.

Habeas Corpus cum cauſa ad faciendum & recipiendum ſhall not be made returnable *immediatè*.

That

Excepr in *London* and *Middleſex*.

That ſuch *Habeas Corpus* to the Sheriff of *London* or *Middleſex* may be granted in Term or Vacation Time returnable *immediatè*.

And then the Sheriff muſt return the Writ preſently, and bring the Body immediately, *&c.*

That in caſe of *Habeas Corpus* returnable *immediatè*, the Sheriff ought to make his Return the ſame Day that the Writ is delivered, and to bring the Body immediately as is required by the Writ, without permitting him to wander abroad by Colour or Pretence thereof.

Priſoner to be brought in cuſtody at the Day and not permitted to wander in the mean time.

That where a Writ of *Habeas Corpus* is directed to a Sheriff, Warden of the Fleet, Marſhal or Goaler, the Priſoner is to be brought in Cuſtody according to the Writ at the Day limited, without being permitted to wander abroad in the mean time upon Pretence of ſuch Writ.

Habeas Corpus ad reſpondendum may be granted to a Keeper, *&c.* upon *ret' non eſt invent ſur Capias.* And to be a good Cauſe of Detainer, *&c.*

That a *Habeas Corpus ad reſpondendum* may be granted to the Warden of the Fleet, or to the Keeper of an inferior Priſon of a Liberty or Franchiſe, where a *Capias* is returned in Court, *Non eſt inventus*; ſuch Writ to recite ſhortly the *Capias*, and to be returnable at a Day certain in Court, and to be a good Cauſe of *Detainer*, as well as where a *Capias ad reſpondendum* comes to a Sheriff.

Ha' Cor' ad ſatisfaciendum may be granted in like manner, and the number Rolls to be indorſed by the Attorney.

That a *Habeas Corpus ad ſatisfaciendum* may be granted to the Warden of the Fleet, or to ſuch inferior Gaoler returnable in Court at a Day certain, and the Number Roll of the Judgment to be endorſed upon the Writ by the Attorney who ſues it out; and ſuch Writs to be a Cauſe of Detainer.

That

That if upon a *Habeas Corpus* the Priſoner be returned charged with Proceſs out of the upper Bench or Exchequer, and out of the Common-Pleas, the Priſoner may be committed with thoſe Cauſes. If charged with Proceſs in upper Bench or Exchequer, and out of Common Pleas he may be committed

That if upon a *Habeas Corpus cum cauſa* the Priſoner be returned charged with a Proceſs out of the Common Bench, though returnable at a Day to come, the Priſoner may be committed with his Cauſe. Commitment on Proceſs at a Day to come.

That if upon a *Habeas Corpus*, or *Cepi Corpus*, the Party be returned in Cuſtody and Bailable, and ſpecial Bail requirable, the Bail not to be taken abſolutely without Conſent of the Plaintiff or his Attorney, and if taken *de bene eſſe*, the Priſoner not to be diſcharged till the Bail be aſſented unto, or the Plaintiff over-ruled in Court to accept the ſame upon Examination. Of taking Bail upon *ha' cor'* or *Cepi Cor'*. *De bene eſſe*, but not to be diſcharged until, *&c.*

That upon every Commitment by a Judge out of Court, the Proſecutor of the *Habeas Corpus* is to have one of the Prothonotaries Clerks preſent at the turning over of the Priſoner, that the Commitment may be duly entred and filed. Upon Commitment of a Priſoner. Prothonotary's Clerk to be preſent.

Concerning Habeas Corpus *to Inferiour Courts and* Procendendo.

THat Writs of *Habeas Corpus*, directed to the inferiour Courts of *London*, *Weſtminſter*, *Southwark*, and other Courts within five Miles of *London*, may be returnable *immediatè*. And if the Defendant intendeth Of removing Cauſes by *Habeas Corpus* out of inferiour Courts within five Miles of *London ret' immediatè*.

eth to be bailed, then upon, or within four Days after Allowance of the Writ, *Notice* is to be given in Writing of the Names and Addition of the Bail, the Time when, and the Judge before whom the ſame is intended to put in, to the Plaintiff or his Attorney, or him that cauſed the Plaint to be entred; or if none can be found, then Notice of the Premiſſes to be left in Writing with the chief Clerk of the inferiour Court or his Deputy by the Party that tenders the Bail, or his Attorney, and Oath made thereof; otherwiſe the Bail not to be taken. And a *Procedendo* granted if deſired, before Bail accepted.

If Bail is intended, notice muſt be given to the Plaintiff, *&c.*

If not to be found, then to the chief Clerk, *&c.*

Oath to be made of ſuch Notice, otherwiſe a *Procedendo.*

That if no Bail in ſuch Caſes be put in within eight Days after the *Habeas Corpus* allowed, in thoſe Courts when it is returnable *immediatè* a *Procedendo* may be granted by any Judge of this Court, if deſired before Bail taken.

And if no Bail within eight Days, a *Procedendo* may be granted.

And if Bail be taken in the Abſence of the Plaintiff or his Attorney, the ſame is to be taken *de bene eſſe*, and if no Exception be taken within twenty Days after Notice given to the Plaintiff or his Attorney of the Names of the Bail, and before whom taken, then upon Oath made of ſuch Notice the Bail to be delivered out to be filed.

Bail muſt be taken *de bene eſſe* in the Abſence of the Plaintiff, *&c.* If no Exception within twenty Days, the Bail to be filed.

That if Bail upon a *Habeas Corpus* be taken before a Judge at his Chamber, and not excepted againſt, if not filed within four Days after the twenty Days, a *Procedendo* may be granted upon Certificate that it is not filed.

If not filed within four Days after the twenty, then a *Procedendo* may be granted.

That

That in Term Time the Plaintiff in the inferiour Court may ſpeed the Defendant to put in, or to file his Bail by Rules given in the Bill of Pleas; and if not filed according to Rules, upon Certificate thereof, a *Procedendo* to be granted.

In Term Time Rules to put in or file, Bail may be given.

If not filed upon Certificate, a *Procedendo*

That all Writs of *Habeas Corpus* returnable in Court, be returnable at a Day certain

Of a *Habeas Corpus* returnable in Court.

That upon Bail taken of a Perſon in Cuſtody, the Judges Clerk to deliver the Bail to the Prothonotary, to be fil'd, if aſſented unto; and to that End the Prothonotary's Fees to be depoſited, but the Priſoner not to be diſcharged, until the Bail be aſſented unto, or over-ruled in open Court.

Bail taken of a Perſon in Cuſtody to be delivered to Prothonotary to be filed.

But no Diſcharge of Priſoner till aſſented to, *&c.*

Concerning ſpecial Bail.

THat if the Defendant appear upon the Summons, Attachment, or Diſtreſs, or by *Superſedeas quia improvidè*, or doth truly render himſelf upon the Exigent, no Bail is requirable.

No Bail where Defendant appears on Attachment, Diſtreſs, *Superſedeas, &c.*

That in all Cauſes of Removal, be it by *Habeas Corpus*, Privilege, or *Certiorari*, ſpecial Bail ought to be given.

Special Bail no Removal of Cauſes.

That in Cauſes where the Defendant comes in by *Cepi corpus*, be it Debt, Detinue, Treſpaſs for Goods, Action upon the Caſe (except Slander) if the Debt or Damages amount to twenty Pounds, ſpecial

Alſo on *cepi Corpus* if Debt or Damages amount to 20 *l.*

In Slander and againſt Heirs, Ex' and Ad' excepted.

Bail is to be given, except it be againſt an Heir, Executor or Adminiſtrator.

In Covenant Bail at Diſcretion.

That in Covenant, becauſe the Damages uncertain till Declaration, Bail at Diſcretion.

No Bail of Courſe in Battery, &c.

That in Battery, Conſpiracy, falſe Impriſonment, no ſpecial Bail of Courſe without ſpecial Motion and Order.

Nor in Slander, except Slander of Title.

That in Slander no ſpecial Bail, except in Slander of Title, wherein to be left to the Diſcretion of the Judges.

In Privilege no Bail excepted for Fees.

That in Privilege, other than for Fees and Disburſements, as an Attorney in this Court, Bail at Diſcretion of the Court. In ſuch Caſe where in a Suit by a common Perſon, ſpecial Bail is not requir'd.

Where the Original is to be ſhewn with the Declaration.

That, if Bail be given upon Reverſal of an Outlawry, or Removal by *Habeas Corpus*, the Original be ſhewn upon tendring of the Declaration, otherwiſe the Bail not liable; unleſs the Party or his Attorney will voluntarily appear, or take a Declaration, without ſhewing of it.

Unleſs the Defendant will voluntarily take the Declaration.

Upon a Removal out of Inferior Court. The new Original muſt not vary from the Action, unleſs the Party will voluntarily appear to ſuch.

That in Caſe of a Removal out of an inferior Court, or Reverſal, the new Original to agree in the Nature of the Action, the Sum in Demand, and the County, otherwiſe the Bail not liable; but if the Party will voluntarily appear to ſuch varying Original, to be good as to the Party; but if upon a Cauſe removed by *Habeas Corpus*, out of the Courts of *Canterbury*, *Southampton*, *Hull*, *Litchfield* or *Pool*, which are Counties where the Judges of *Niſi prius* ſeldom come, if the Action be tranſitory, it muſt be laid in the County of *Kent*, *Southampton*, *York*, *Stafford*,

Actions remov'd from Courts of Towns and Counties, where the Judges ſeldom come, muſt be laid in the County where the Town and County lieth.

Stafford, or *Dorſet*, where the Town and County lieth, and the Recognizance to be taken accordingly.

That the Principal rendring himſelf at any time after Bail put in, and before or upon the Day of Appearance of the *ſcire facias* returned, *ſcire feci*, or of the ſecond *ſcire facias* returned *nihil*, or in caſe there ſhall be an Action of Debt brought upon the Recognizance againſt the Bail, then if the Principal ſhall render himſelf upon or before the Proceſs returned ſerved, no further Proceedings to be againſt the Bail.

When the Principal may render himſelf in Diſcharge of his Bail upon *ſcire fa'*, *&c.*

Concerning Appearances, and Entries thereof.

THat Appearances be duly entred with the Prothonotaries or Filizers of this Court reſpectively, with whom the ſame ought to be entred; but if ſpecial Bail be requirable in the Caſe, the Plaintiff not to be concluded by ſuch Appearances, if he inſiſt upon it.

Appearance to be duly entred.

But Plaintiff not to be concluded if ſpecial Bail is required.

That where an Appearance is upon the original Writ, if the Defendant's Appearance be not entred of Record, the Defendant's Attorney to give his Hand to the Plaintiff's Attorney up the Delivery of the Declaration that he appeareth thereunto.

Attorny's Hand upon Delivery of *Narr'*.

That any Attorney of either Bench accepting a Warrant to appear, or ſubſcribing a Proceſs, Declaration or Warrant to appear, be compelled to cauſe Appearance,

Where Attorney undertaking an Appearance ſhall be liable to an Attachment, *&c.*

or to be liable to on Attachment, or put out of the Roll, as the Caſe requires; and the Party not to be received to countermand ſuch Appearance after his Retainer.

No countermanding ſuch Appearance.

That no Perſon without Rule of Court, order of the Judge or Prothonotary, and Notice to the adverſe Party or his Attorney, change or ſhift his Attorney; and ſuch Attorney newly coming in, to take Notice at his Peril of the Rules whereunto the former Attorney was liable had he continued.

No changing an Attorney without Rule or Order.

That a Retainer of an Attorney of the Common Pleas, by an Attorney of the Upper Bench, *& è Converſo*, be a ſufficient Excuſe to the Attorney ſo retained, acting according to ſuch Retainer, and the Attorney ſo retaining without Warrant from the Party, to be ſubject to the Puniſhment.

Retainer by Attorney of one Court from an Attorney of another Court is ſufficient.

That if a *Capias* be returned in Court *non eſt inventus*, againſt a Priſoner in the *Fleet*, he be compellable to appear upon a *Habeas Corpus ad reſpondendum*, as well at the Suit of a Stranger, as at his Suit whereupon he is impriſoned, and to anſwer to a Declaration according to the Rules of the Court, or that Judgment be entred againſt him.

Where a Priſoner of the *Fleet* ſhall appear (upon a *Ha' Cor. ad reſpon)* at a Stranger's Suit.

That he that reverſeth an Outlawry have an Attorney of Record preſent, who muſt undertake an Appearance to a new Original. And ſuch Attorney ſhall be compelled to appear; and that the Defendant or his Attorney give Notice to the Plaintiff or his Attorney of ſuch Reverſal the ſame Term, or in the Vacation next after it.

An Attorney of Record to be preſent at Reverſal of an Outlawry for the Defendant, &c.

Concerning Imparlances.

Of Liberty to enter Imparlances.

THat foraſmuch as ſome Inconvenien-cies do ſometimes happen to Plaintiffs by entring their Declarations in ſpecial Actions, it is therefore ordered, that the Plaintiffs in ſuch ſpecial Actions ſhall have Liberty to enter the Imparlances the Term following, entring the ſame of the firſt Term with an *Incipitur*, as it hath been uſual in *Quare Impedits*; but that all other Imparlances be duly entred before any Iſſues, Demurrers or Judgments thereupon be entred.

Entring the ſame with an *Incipitur*, &c.

Attorney is compellable to accept a Declaration with Imparlance, &c.

That if the Defendant appear the firſt Term, and give no Rules to declare, the Defendant's Attorney may the ſecond Term be compelled to accept of a Declaration with Imparlance, and the Declaration may be entred as of that Term, with an Imparlance over to the next Term, or in the firſt Term with an *Incipitur* as before, as the Caſe ſhall require.

When the Plaintiff may be Nonſuit, tho' no Rules given.

That if the Plaintiff declare not the ſecond Term, though the Defendant give no Rules, yet a Nonſuit may be entred at the End of the ſecond Term upon a Continuance over by him entred by *dies datus*, but not the third Term, or after.

Imparlance of Courſe, &c.

That upon a meer real Action, or a bare *clauſum fregit*, an Imparlance of Courſe. But in Dower after View had, if the Day to appear be upon the firſt Return of any

Hillary or *Trinity* Term, no Imparlance without Conſent or Rule of Court.

Where no Imparlance without Conſent or ſpecial Rule, except in *London*, &c.

That in Ejectment or any perſonal Action, if the Appearance be the firſt Return of *Hillary* or *Trinity* Term, no Imparlance without Conſent or ſpecial Rule in ſuch Cauſes, other than in *London* or *Middleſex*. If the Appearance be before *Craſtin' Martin'* or *menſe Paſch.* no Imparlance without Conſent or ſpecial Rule. But if upon or after thoſe Returns, an Imparlance of Courſe.

Where none in *London*, &c. without Conſent or Rules.

In *London* or *Middleſex*, if the Appearance be before *Craſtin' Aſcen.* or before the laſt Return of any other Term, no Imparlance without Conſent or ſpecial Rule; but the Defendant to plead as of that Term within fourteen Days after the End of the Term upon Rule given to anſwer; but if of *Craſtin' Aſcen'*, or the laſt Return, then an Imparlance of Courſe.

Concerning Rules to Declare and Plead.

No Judgment by *nihil dicit* until Rule given to plead and the Day paſt.

THat no Judgment by *nihil dicit* be entred until there be a Rule to plead, firſt given in that Prothonotary's Office where the Cauſe is entred, and the Day by ſuch Rule be paſt, and that ſuch Rules be only given in the Bills of Pleas, or other Remembrances for that Purpoſe, only to be in the Cuſtody of the Secondary of the reſpective Prothonotaries, during the Time limited for giving Rules, to the Intent that

Rules how to be entred, &c.

that all Perſons concerned may have Recourſe to the ſaid Secondary, and to ſee the ſame *Gratis*; and that Clerks who uſually enter for Attornies, may give Rules for Anſwer in the ſaid Remembrances in all their own Cauſes wherein there hath been Imparlances, except in Ejectments, ſo as they enter the ſame Rules in the Office without carrying any of the ſaid Remembrances out of any of the ſaid Offices; and that the Secondary ſet down upon the Remembrances the Day wherein ſuch Rules are given, and that no Rules to declare or Anſwer be given after three Days excluſive after the End of any Term, and ſuch Rule to be out at four Days incluſive of the Day wherein the ſame is given.

When Clerks may give and enter Rules.

Remembrance not to be carried out of the Office.

Day to be ſet down.

When none may be given.

That in all Actions except Replevin (after Rules to declare are out, yet) if the Plaintiff or his known Attorney or Clerk be to be found, a Nonſuit for want of a Declaration not to be entred, unleſs the Plaintiff's Attorney or known Clerk be firſt called to for a Declaration.

When after Rules to declare are out, no Nonſuit for want of a Declaration.

That if the Plaintiff's Attorney or Clerk be called to for a Declaration, and delivers it not to the Defendant or his Attorney ſometime during that Term then the Rule being out the Defendant's Attorney may enter a Nonſuit.

Where may be a Nonſuit, the Rule being out.

That if the Plaintiff's Attorney being called to for a Declaration cannot afterwards find the Defendant's Attorney or Clerk, to ſave a Nonſuit, he may deliver a Declararion into the Prothonotary's Office where the Rules are given.

When the Declaration may be left in the Office.

Where a Deed, &c. muſt be ſhewn, elſe no Judgment, &c.

That, when a Deed, Will or Letters of Adminiſtration are to be ſhewn in a Declaration, the Attorney of the Plaintiff delivering a Declaration with a Subſcription, that the Defendant ſhall not be compelled to plead till the ſame be ſhewn, no Judgment by *nihil dicit* to be entred againſt the Defendant till the ſame ſhewn; nor any Nonſuit upon the Plaintiff, if he ſhew the ſame before the End of the next Term.

Where upon Commitment of a Priſoner, He may be diſcharged by *Superſedeas*, &c.

If the Defendant be committed to Priſon by Proceſs out of this Court, or *Habeas Corpus*, the Priſoner entring his Appearance with the Prothonotary in caſe of a Plaint, or in caſe of Attachment of Privilege; or with the Filizer in caſe of other Proceſs, and giving Rules to declare, the Plaintiff not declaring before the End of the next Term after the Commitment, the Defendant in Reference thereunto to be diſcharged of his Impriſonment by *Superſedeas* in the End of the next Term, and Liberty for the Plaintiff to declare upon that Appearance the next Term after that at the furtheſt.

Where upon Return of a Writ and want of Declaration the Plaintiff may be nonſuited.

That, if a Writ be returnable *quinque Paſc.* or the laſt Return of any Term, the Defendant giving Rule, and calling for a Declaration, if it be not delivered according to the former Directions, four Days or more before the Eſſoin-Day of the enſuing Term, may enter a Nonſuit, though above ſixteen Days after the preceding Term.

That

That the Plaintiff having declared and given Rules for Anſwer, the Defendant is to deliver his Plea in Writing to the Plaintiff's Attorney or known Clerk. When the Defendant's Plea may be delivered.

That if there be no ſuch Attorney or Clerk to be found, or being found, refuſeth to accept it, then the Plea may be left in the Office to ſave a Judgment. When left in the Office.

That in any Caſe where a Plea or Declaration is left in the Office, no Nonſuit for want of a Declaration or Judgment for want of a Plea to be entred. No Nonſuit is to lett.

That in Caſes of popular Actions and Informations, or real or mixt Actions, except Ejectment, no Judgment to be entred by Default, or *nil dicit*, without Motion in Court. When no Judgment by *nil dicit*.

That upon *Nul tiel* Record pleaded, and no Difficulty or Variance appearing, Judgment be entred after Rule, without Motion by the Plaintiff. When Judgment may be without Motion.

That after any Imparlance of three Terms, without any Calling for Anſwer, no Judgment to be entred without a Term's Notice. Where a Term's Notice muſt be.

Concern-

Concerning Declarations.

Repetitions to be avoided.

FOR avoiding of long and unneceſſary Repetitions of the Original Writ in Actions upon the Caſe, and perſonal Actions upon penal Statutes.

When only Entry, the Nature of the Action muſt be repeated.

That Declarations in Actions of Treſpaſs upon the Caſe, or perſonal Actions upon any general Statute; namely, Hue and Cry, *Monopolies*, and for Suits in the Admiralty, and ſuch like, other than Debt, repeat not the Original Writ but only the Nature of the Action, *viz. A. B.* was attach'd to anſwer *C. D.* in a Plea of Treſpaſs upon the Caſe, or in a Plea of Treſpaſs and Contempt, againſt the Form of the Statute.

For the avoiding of the Common Bar and new Aſſignment.

How the Common Bar may be avoided.

THE Declaration upon an Original, or Bill, *Quare clauſum fregit*, may mention the Place certainly, and ſo prevent the Uſe and Neceſſity of the Common Bar and new Aſſignment.

How the unneceſſary Length of Declaration.

That unneceſſary Length of Declarations be forborn. And in order thereunto,

That

That in Actions of Covenant not to repeat more of the Deed than is neceſſary for the Aſſignment of the Breach, and not to repeat the Covenant in the Concluſion. How in Covenant.

That in Actions of Slander long Preambles be forborn, and no more Inducement than what is neceſſary for the Maintenance of the Action, when it requires a ſpecial Inducement or *Colloquium*. How in Slander.

That in Actions upon general Statutes the Declaration not to repeat the Statute, but to conclude againſt the Form of the Statute in ſuch Caſe made and provided; as in Caſe of Debt, upon the Statute of 2 *E.* 6. For Tythes, the 32 *H.* 8. for Maintenance, and 21 *Jac.* of Monopolie. How upon general Statutes.

That Action of Debt upon a Judgment had in the Courts at *Weſtminſter*, to recite only the Judgment. But if a Judgment had by or againſt an Executor or Adminiſtrators, Debt thereupon to repeat the Declaration and Judgment. Upon Judgments at *Weſtm'*.

That before the Declaration actually entred the Plaintiff may amend his Declaration, paying Coſts or giving an Imparlance, at the Plaintiff's Election, by the Order of a Judge of the Court or Prothonotary: But after it is entred, if the Amendment be but a ſmall Matter that doth not deface the Roll, yet that before Iſſue or Demurrer entred, it be amendable by Rule of Court upon Coſts, and Liberty to plead, with a new or further Imparlance. When a Declaration may be amended upon paying Coſts, *&c.* How after it is entred.

To cauſe Care in Examination of the Declaration.

When the Copy of Declaration delivered varies from the Original.

THat if the Plaintiff's Attorney or Clerk deliver a Copy to the Defendant's Attorney or Clerk, materially varying from the original Declaration, the Diſadvantage thereof not to be caſt upon the Defendant, but on the Plaintiff, whoſe Artorney is paid for it.

Concerning Pleading.

Where Common Bars, *&c.* are to be forborn.

THE Common Bar and new Aſſignment be forborn, where the Declaration contains the Certainty equivalent to a new Aſſignment.

That Pleadings be ſuccinct, without unneceſſary Repetitions.

How to plead in an Outlawry or,

That in the pleading of an Outlawry the *meſne* Proceſs be not repeated, but the Exigent and Outlawry joined to the commencing of the Suit.

A general Statute.

That in pleading a general Statute, the Statute be not recited, as the Statute of 21 *Jac.* of Limitations.

Concern-

Concerning Demurrers.

THat according to the Statute of 27, of *Eliz.* upon Demurrers, the Cauſes be ſpecially aſſigned, and not involved with general unapplied Expreſſions of double, negative pregnant, uncertain, wanting Form, and the like, but to ſhew ſpecially wherein, that the other Party may (as the Caſe ſhall require) either join in Demurrer, or amend, paying Coſts, or diſcontinue his Action. Cauſes to be ſpecially aſſigned.

That if it be declared, that Matters of Form, as well on the Part of him that demurs, as of him that joyns in all Parts of the Pleading, are diſcharged; unleſs ſuch as are eſpecially aſſigned upon the Demurrer. Matters of Form to be eſpecially aſſigned.

Concerning Trials, and Notice of Trials and Inquiries.

THat Notice of Trials or Inquiries in *London* or *Middleſex* (the Defendant dwelling within forty Miles of *London*) be eight Days excluſive of the Day wherein Notice is given. When eight Days excluſive, Notice near *London*, &c.

That, if the Defendant live above forty Miles diſtant from *London*, Notice of ſuch Trials and Inquiries in *London* or *Middleſex* be fourteen Days, excluſive of the Day of Notice. Where fourteen Days excluſive.

That

Iſſues to be ingroſſed.

That in all Iſſues to be tried by *Niſi prius* in *London* or *Middleſex* upon a Record of a precedent Term, the Copy of the Iſſue be brought to the Clerk of the Treaſury, for the Ingroſſing of the Record, four Days at the leaſt before the Day of Trial of ſuch Iſſue, and that all Cauſes to be tried in *London* or *Middleſex* be entred into the Marſhal's Book four Days before the Day of Trial.

And entred in the Marſhal's Book.

Eight Days notice excluſive in the Country.

That eight Days Notice excluſive be given upon Trials in the Country, and upon Writs of Enquiry of Damages in Writs of Dower and Waſte, and all other Inquiries of Damages.

When new Notice is to be given in the Country.

That, if the Plaintiff give Notice of a Trial, and he proceed not, the Plaintiff not to take it down to Trial again without new Notice to be given, as is before expreſſed, unleſs by Conſent or Rule of Court.

When in *London*, &c.

But in *London* or *Middleſex*, if Notice be given of a Trial for one ſitting, and the Plaintiff be not provided to proceed: If he give Notice before that Sitting that he will try it the next Sitting, that to be held convenient Notice.

Where Coſts of Attendance.

That in Caſe of ſuch Warning, and no Proceeding, the Defendant upon Motion to have his Coſt of his former Attendance, to be taxed by the Prothonotary; unleſs the Plaintiff give the Defendant Warning in convenient Time that he would not proceed; or ſhew Cauſe to be allowed by the Court in Excuſe of ſuch Coſts.

Unleſs Cauſe ſhewn, &c.

That

That no Record of *nisi prius* be signed before the Issue be entred upon the Roll. How Issue must be entred.

That, if the Plaintiff give Notice for a Trial, and proceed not, the Defendant may take it by *proviso* according to Law, giving Notice eight or fourteen Days, as the Case requireth, as aforesaid. Trial by *proviso*.

That in *London* or *Middlesex*, if no Warning for a Trial, then the Defendant not to take it by *proviso*, to try it the same Term; but afterwards he may take it by *proviso* according to Law, giving eight or fourteen Days Notice, as the Case requires. In *London* and *Middlesex*.

That, if Notice be given to the Attorney of the adverse Party of a Trial upon an Issue joyned, it be taken to be good Notice: And Oath made of want of Notice to the Attorney, to turn the Proof of Notice given to the Party upon him that brought it down to Trial in that Case. Of Notice to be given.

That, if an Issue be joyned above a Year since in any Case, then one Term's Notice to be given of the Trial. Where one Term's Notice.

Concern-

Concerning Trials at Bar.

Allowance after a privy Verdict delivered.

THat for the Remedy of exceſſive Charges of Trials at the Bar, eſpecially whilſt the Jury lieth out, it is ordered, that a Jury lying out one Night after a privy Verdict delivered, there be allowed for the whole Dyet of each Jury-man that Night no more than three Shillings four Pence a-piece, and for two Criers to each of them no more than two Shillings ordinary, beſides the Charge of the Jurors Lodging.

Fees after Verdict in Court.

That after a Verdict delivered in Court, the Jury and Officers to be paid their Charges and their Fees in the Inner Treaſury, without going to the Taverns or Victualling Houſes for that Cauſe.

Concerning ſpecial Verdicts at the Bar, or by Niſi prius.

Counſels to ſubſcribe the Points in Queſtion, *&c.*

THat in finding ſpecial Verdicts where the Points are ſingle and not complicated, and no ſpecial Concluſion, the Counſel (if required) do ſubſcribe the Points in Queſtion, and agree to amend Omiſſions or Miſtakes in the *meſne* Conveyance, according to the Truth, to bring the Point in Queſtion to Judgment.

That

That unneceſſary finding of Deeds in *hæc verba*, where the Queſtion reſts not upon them, but are only Derivation of Title to be ſpared; and found ſhortly according to the Subſtance they bear in Reference to the Deed, as Feoffment, Leaſe, Grant, *&c.* Deeds to be found according to the Subſtance, *&c.*

Concerning new Trials.

THat where a Verdict finds entire Damages where Damages are the Principal, and Part not actionable, though Judgment be arreſted yet by Rule of Court a *venire fac' de novo* may iſſue as upon an ill Verdict, and upon the new Trial the Party may ſever his Damages. When a new Trial may be had.

Concerning Judgments.

THat in a Judgment by *non ſum informatus*, or *nil dicit*, in *Eject' firme*, the *Capiatur* be entred upon the firſt Judgmemt. *Capiatur*, where.

That upon a Cauſe removed by *Habeas Corpus* out of an inferior Court, having Juriſdiction of the Cauſe, if Judgment be given for the Plaintiff, the Coſts below to be conſidered and caſt into the Judgment; if for the Defendant, the Charge of putting in Bail. When upon Cauſes removed.

Principal not to give Warrant againſt his Surety.

That the Principal in any Bond or Bill obligatory do not for the Time to come give Warrant to appear for, or confeſs Judgment againſt his Surety; and that after the two and twentieth of *January* next, no Judgment be confeſſed for, or given againſt the Surety upon any ſuch Warrant given by the Principal.

Days allowed to ſign Judgments.

That ſixteen Days be allowed for the ſigning of Judgments after Every Term, except *Eaſter* Term, upon Cauſes depending in the Term precedent.

Theſe Rules to be duly obſerved.

And laſtly, it is declared by the Juſtices of this Court, that as the Court doth expect that all the Rules and Orders before mentioned be duly obſerved; ſo it is further ordered, that all other former Orders and Rules yet in force, not hereby altered, ſuſpended, or annulled, be likewiſe obſerved and put in Execution according to the true Intent and Meaning of the ſame.

And all other former Rules.

Ol. St. John.
Edw. Atkins.
Matthew Hale.
Hugh Windham.

The

The OATH to be taken by every Attorney of the Court of Common Bench at *Weſtminſter*, before his Admittance, to be adminiſtred, openly in Court, by the chief Prothonotary.

YOU ſhall do no Falſhood or Deceit, nor conſent to any to be done within this Court: And if you ſhall know of any to be done, you ſhall give Knowledge thereof to the Lord Chief Juſtice, or other his Brethren, Juſtices of this Place, that it may be reformed. You ſhall delay no Man for Lucre or Malice. You ſhall increaſe no Fees, but you ſhall be contented with the old Fees accuſtomed. You ſhall plead no foreign Pleas, nor ſue any foreign Suits unlawfully, to the Hurt of any Man; but ſuch as ſhall ſtand with the Order of Law, and your own Conſcience. You ſhall ſeal all ſuch Proceſs as you ſue out of this Court, with the Seal thereof: And ſee the Fees paid for the ſame. You ſhall not wittingly nor willingly ſue, or procure to be ſued any falſe Suit, nor give Aid or Conſent to the ſame, upon Pain to be expulſed from this Court for ever. And further, You ſhall truly uſe and demean your ſelf in the Office of an Attorney within this Court, according to your Learning and Diſcretion.

To do no Falſhood or Deceit.
Nor conſent to it.
And to give the Juſtices Notice if he know of any ſuch.
Not to delay for Lucre or Malice.
Not to increaſe Fees.
To plead no foreign Pleas.
To ſue no foreign Suit, but *&c.*
To ſeal all Proceſs he ſues out.
And pay the Fees thereof.
Not to ſue, *&c.* any falſe Suit willingly.
Upon Pain of Expulſion.
And truly to demean himſelf, *&c.*

So help you God.

De Termino *Hil.* 13 & 14 *Car.* 2 R.

Rules concerning Bails.

Ha' Cor' to inferior Courts near *London* how returnable. Defendant muſt give Notice of Bail, *&c.*

THat Writs of *Habeas Corpus* directed to the inferior Courts of *London*, *Weſtminſter*, *Southwark* and other Courts within five Miles of *London* may be returnable *immediatè*. And if the Defendant intendeth to be bailed, then upon or within four Days after Allowance of the Writ, the Day of which Allowance being endorſed by ſuch Officer as allows the ſame on the Back of the ſaid Writ, Notice is to be given in Writing of the Names and Additions of the Bail, the time when, and the Judge before whom the ſame is intended to be put in, to the Plaintiff or his Attorney, or him that cauſed the Plaint to be entred, or if none can be found, then Notice of the Premiſſes to be left in Writing with the chief Clerk of the inferior Court, or his Deputy by the Party that tenders the Bail or his Attorney, and Oath made thereof, otherwiſe the Bail not to be taken, and a *Procedendo* granted if deſired before Bail accepted. That if no Bail in ſuch Caſes be put in within eight Days after the *Habeas Corpus* allowed in thoſe Courts,

If Plaintiff is not to be found then, *&c.*

Procendo for want of Notice.

Courts, when it is returnable *immediatè* a *procedendo* may be granted by any Judge of this Court, if desired before Bail taken. And if Bail be taken in the Absence of the Plaintiff or his Attorney, the same is to be taken *de bene esse*. And if no Exception be taken, within twenty Days after the Bail taken, Notice having been given as aforesaid, then the Bail to be delivered out to be filed. That if Bail upon a *Habeas Corpus* be taken before a Judge at his Chamber and not dissented unto, if not filed within four Days after the twenty Days, a *procedendo* may be granted upon Certificate that it is not filed. That in Term-time the Plaintiff in the inferior Court may speed the Defendant to put in and to file his Bail by Rules given in the Bill of Pleas. And if not filed according to the Rules upon Certificate thereof a *procedendo* to be granted. That all Writs of *Habeas Corpus* returnable in Court be returnable at a Day certain. That upon Bail taken of Persons in Custody the Judges Clerk to deliver the Bail to the Prothonotary to be filed if assented unto. And to that End the Prothonotary's Fees to be deposited, but the Prisoner not to be discharged until the Bail be assented unto, or over-ruled in open Court.

Bail taken *de bene esse*.

Days given for Execution.

A *Procedendo* upon a Certificate.

Rules given to put in or file Bail.

Ha' Cor' how returnable.

Bail taken to be filed.

No Discharge till Bail assented to.

Orl. Bridgman.
Rob. Hyde.
Tho. Tyrrill.
Sam. Browne.

Hil. 14 & 15 *Car.* 2. R.

Concerning Sheriffs making Deputies and returning of Writs.

Sheriff Deputies on Record.

IT is ordered, that every Sheriff ſhall make and cauſe to be entred on Record a ſufficient Deputy, to receive all manner of Writs and Proceſs, under the Pains and Penalties mentioned in the Statute in that Behalf made in the 23d Year of the late King *Henry* the Sixth, which Law ſhall be henceforth duly put in Execution. And it is further ordered, that the ſaid Sheriffs, or their ſufficient Deputies, ſhall give their perſonal Attendance in *Weſtminſter-Hall* daily in the Term-time, that ſo they may with the more Convenience diſpatch thoſe Services, which appertain to their Offices reſpectively. And that no Sheriff, or Sheriff's Deputy, ſhall deliver or make, or cauſe or ſuffer to be delivered or made, any Warrant or Warrants before the Writ or Writs be duly ſued forth and delivered to the ſaid Sheriffs or their Deputies reſpectively. Neither ſhall the ſaid Sheriffs nor their Deputies deliver or cauſe or ſuffer to be delivered, any Blank Warrants. Nor ſhall any Clerk or Attorney of this Court receive or procure to be made any ſuch blank Warrants, upon Pain of ſevere Puniſhment, and Fine to be impoſed upon the

Penalty.

To attend dayly in Term-time.

To make out no Warrant till a Writ be delivered.

Not to deliver out any blank Warrants.

the ſaid Sheriffs and their Deputies, and utter Expulſion of the ſaid Clerks or Attornies reſpectively offending in the Premiſſes.

Orl. Bridgman
Rob. Hyde.
Tho. Tyrrill.
Sam. Browne.

Hil. 14 & 15 *Car.* 2. R.

Concerning Attornies ſuffering others to practiſe in their Names.

WHereas every Attorney of this Court, as well by his Oath and the Duty of his Place, as under divers Penalties by ſeveral Acts of Parliament, and former Orders of this Court being retained to be Attorney for any Perſon or Perſons Demandant or Plaintiff, Tenant or Defendant, in any Action or Suit in this Court is bound to deliver or cauſe to be delivered his Warrant of Attorney to the Officer or his Deputy, ordained for the Receipt and Entry thereof in this Court. And whereas by the Statute made in the third Year of the Reign of our late Sovereign Lord King *James*, it is enacted, that no Attorney ſhall permit any other to follow any Suit in his Name.

Recital of former Orders for Attornies to deliver their Warrants.

And not to permit others to practiſe in their Names.

Name. And that every Attorney ſo doing, ſhall be excluded from being an Attorney for ever thereafter. And whereas by Order of this Court every Attorney of this Court ought to appear in Perſon upon or before the fourteenth Day of *Michaelmas* Term, and upon or before the ſeventh Day of every other Term, upon Pain of ten Shillings for the firſt Default, twenty Shillings for the ſecond Default, and putting out of the Roll for the third Default, and that the Appearances ſhould be entred with the Clerk of the Warrants, and that the Name of the Defaulters ſhould be delivered to the Court by the Clerk of the Warrants or his Deputy, within three Days after the Time required for Appearance. Notwithſtanding all which Laws and Orders through the diſorderly Practice and Negligence of divers Attornies of this Court, eſpecially of the younger ſort, for want of their Attendance upon their Office of Attorney here in Court, and permitting others to practice in their Names, and neglect to deliver their Warrants of Attorney to be filed, and entred of Record, very many great Inconveniencies, Troubles and Errors have been found and ariſen of late Time more than formerly, to the Scandal of the Court, and of the honeſt Attornies practiſing therein, and the great Prejudice and Loſs of many of his Majeſty's good Subjects, as well Plaintiffs as Defendants, Demandants and Tenants, in their Suits depending in this Court.

To appear in Perſon in Court

Upon Penalties, *&c.*

Thro' Neglect many Inconveniencies, *&c.* have happen'd.

For

For Remedy of which Miſchiefs and Inconveniencies, and for avoiding of Errors for the Time to come. It is forbidden by the Juſtices of this Court upon Pain of Expulſion from this Court, that no Attorney of this Court permit any other to practiſe in his Name. And it is further declared and ordered by this Court, that every Attorney of this Court do from henceforth appear in Perſon, within the Times in every Term before limited and expreſſed under the Penalties before mentioned for their Defaults. And that every Attorney of this Court do file his Warrant of Attorney of the Term, wherein any Exigent is awarded, Demurrer or Iſſue joined, or Judgment entred, or which of them ſhall firſt happen upon Pain of forty Shillings for every time he offendeth, and be attainted by due Examination made by the Juſtices of this Court, ſuch Warrant to be filed upon or before the Eſſoin-Day of every *Trinity* Term, and within the Space of one and twenty Days next after the End of every other Term. And that no Officer of this Court do make or ſuffer to be made any Proceſs or Entry, in the Name of any Perſon not ſworn an Attorney, nor entred in the Roll of Attornies, or in the Name of any Perſon put out of the Roll of Attorney, either as a Diſcontinuer or for any Miſdemeanor, or by Rule of Court, after Notice thereof given to ſuch Officer by the Clerk of the Warrants of this Court for the Time being or his Deputy; and for the better effecting the due Obſervance of this preſent Order, It is laſtly ordered, that

No Attorney to permit any other to practiſe in his Name.

His Appearance in Term-time, *&c.*

Warrants of Attorney to be filed and when.

Proceſs not to be ſuffered by Officers.

After Notice given thereof.

Preſentment of the Names of Offenders.

that the Clerk of the Warrants of this Court for the Time being or his Deputy, or the Perſons appointed yearly by the Court to give Information to the Court from time to time of Breaches of Orders and Miſcarriages of Officers, Clerks and Attornies in every *Michaelmas* Term, or oftner, if required, ſhall and may preſent to the Court from time to time the Name and Names of every Attorney or Attornies offending againſt this Order, To the Intent that the Court may examine every Attorney complained againſt concerning any of the Matters before rehearſed, and upon attainting any ſuch Attorney upon due Examination had, may inflict ſuch Puniſhment by Fine, Impriſonment or Expulſion, as the Caſe ſhall require, or give Directions for Informations to be exhibited againſt the moſt frequent and notorious Offenders for the greater Penalties mentioned in the Statute thereof made and provided.

That ſuch offending Attorney may be examined, puniſhed, &c.

Orl. Bridman.
Rob. Hyde.
Tho. Tyrrill.
Sam. Browne.

Hil.

Hil. *Annis* 14 & 15 Car. *Secundi Regis.*

Concerning Perſons detained long in the *Fleet* without any Proſecution.

WHereas many Perſons arreſted upon mean Proceſs iſſuing out of this Court, and upon Plaints levied in inferior Courts, and removed to the Fleet by *Habeas Corpus* with thoſe Cauſes returned upon them, have been detained thereupon for a long time, as well in the Cuſtody of Sheriffs and Gaolers, as in the Priſon of the Fleet, without any Proſecution or Proceedings againſt them in this Court. Now foraſmuch as every Perſon, having Cauſe of Action againſt any Priſoner in the Fleet, may have ſpeedy Proceedings againſt ſuch Priſoner. Therefore, and alſo to prevent unjuſt Vexations by long detaining of Perſons in Priſon there for the future, It is ordered by the Juſtices of the Court of Common-Bench this preſent Term of St. *Hillary*, that if any Perſon be committed to the Fleet by *Habeas Corpus* in this preſent Term, or in any other *Hillary* Term, or in the Vacation following this Term, or any other *Hillary* Term, unleſs the Plaintiff or Plaintiffs at whoſe Suit the Priſoner ſtands charged at the Fleet, ſhall bring ſuch Priſoner to the Bar of this Court by *Habeas Corpus*, and declare againſt him within ſix Days after *Trinity* Term begun, ſuch Priſoner may be diſcharged by *Superſedeas* to be iſſued of courſe

Ordered, that upon a Commitment in *Hillary* Term, or the Vacation following.

Priſoner to be brought to the Bar, *&c.*

courſe out of the Prothonotary's Office of this Court, where the Commitment of the ſaid Priſoner with his Cauſes is entred, ſo as ſuch Priſoner firſt enter his Appearance by Attorney with the ſaid Prothonotary in caſe of an Attachment of Privilege, or of a Plaint, or with the Filazer upon other Proceſs returnable in this Court: And do bring a Certificate under the Hand of the Warden or Clerk of the Fleet, that no Proceedings by *Habeas Corpus* have been had againſt him within the Time aforeſaid. And that if any Perſon be committed to the *Fleet* in any *Eaſter* Term, or in the Vacation following any *Eaſter* Term, unleſs the Plaintiff or Plaintiffs bring ſuch Priſoner to the Bar of this Court by *Habeas Corpus*, and declare againſt him within ſix Days after *Michaelmas* Term begun, ſuch Priſoner ſhall be diſcharged in Manner aforeſaid. And that, if any Perſon be committed to the *Fleet*, in any *Trinity* Term, or in the Vacation next following any *Trinity* Term, unleſs the Plaintiff or Plaintiffs bring the Priſoner to the Bar of this Court by *Habeas Corpus*, and declare againſt him before the End of *Michaelmas* Term following, ſuch Priſoner may be diſcharged in Manner aforeſaid. And that, if any Perſon be committed to the *Fleet* in any *Michaelmas* Term, or in the Vacation following after any *Michaelmas* Term, unleſs the Plaintiff or Plaintiffs bring the Priſoner to the Bar of this Court by *Habeas Corpus*, and declare againſt him within ſix Days after *Eaſter* Term begun, ſuch Priſoner may be diſcharged in Manner aforeſaid

When the Priſoner may be diſcharged by *Superſedeas*.

How upon a Commitment in *Eaſter* Term or Vacation.

How in *Trinity* Term or Vacation.

How in *Michaelmas* Term, *&c.*

ſaid. And the Plaintiff or Plaintiffs may declare upon ſuch Appearance entred the next Term after ſuch Appearance or *Superſedeas* granted. And the Attorney appearing for ſuch Priſoner ſhall be bound to take a Declaration, and not afterwards. And as concerning Perſons arreſted, and remaining in the Cuſtody of any Sheriff or Gaoler, upon any mean Proceſs iſſuing out out of this Court, It is further ordered, that if the Plaintiff or Plaintiffs, at whoſe Suit ſuch Perſon is arreſted and in Cuſtody, do not remove ſuch Priſoner by *Habeas Corpus* to the *Fleet*, and the Priſoner enter Appearance in manner aforeſaid, Such Priſoner may be diſcharged by *Superſedeas* in the End of the third Term after the Arreſt according to the Courſe anciently uſed. And the Plaintiff may declare upon ſuch Appearance the Term following but not after; but if ſuch Priſoner cauſe Appearance to be entred for him by Attorney, and cauſe Notice thereof to be given to the Plaintiff or his Attorney, and if Oath thereof be made in Writing and filed in Court, unleſs the Plaintiff or Plaintiffs declare againſt ſuch Priſoner in the Term next after ſuch Appearance, the Priſoner may be diſcharged by *Superſedeas*. So as Oath be made by the Attorney for the Defendant, that no Declaration hath been delivered or tendred to him. And the Plaintiff or Plaintiffs may declare againſt the Defendant the Term next after ſuch Appearance entred. But not afterwards.

When the Plaintiff may declare upon ſuch Appearance. *Superſedeas* granted, *&c.*

How a Priſoner not removed by *Ha' Cor'* to the Fleet may be diſcharged.

How the Plaintiff may declare upon Appearance, *&c.*

Or elſe the Priſoner may be diſcharged by *Superſedeas.*

And

And for the Certainty of the Practice in Proceedings to be had againſt Priſoners in the *Fleet* by Virtue of the late Act of Parliament. It is further declared and ordered by this Court, that in caſe any ſuch Priſoner ſhall hereafter be brought to the Bar of this Court, by a Writ of *Habeas Corpus* returnable at any Day certain being before the Day of Appearance of the third Return of any Term. And the ſaid Priſoner name an Attorney who ſhall appear for him at the Suit of the Plaintiff in the Action in the ſaid Writ ſpecified. The ſaid Defendant be compellable to plead by the laſt Day of the ſaid Term, to a Declaration to be delivered to the ſaid Attorney, if the Plaintiff give a Rule for him ſo to do. But where any Priſoner is brought to the Bar, by ſuch Writ returnable after the Day of Appearance of ſuch third Return of any Term, the Defendant of courſe to have Imparlance until the next Term following. But if ſuch Priſoner refuſe to nominate an Attorney to appear for him, then ſuch Priſoner is to plead within eight Days according to the ſaid Act, provided that there be eight Days after the Return of the *Habeas Corpus* to give a Rule to be out within the Term. And, laſtly it is ordered, that after Iſſue joyned, ten Days Notice at the leaſt excluſive of the Day of ſuch Notice be given to the Defendant (being actually in the Priſon of the Fleet) of the

Where a Priſoner in the Fleet names an Attorney in the Court to appear, how ſuch Defendant muſt plead.

Where he ſhall have an Imparlance till next Term.

When he muſt plead within eight Days, *&c.*

What Notice of Trial muſt be given to ſuch Priſoner.

the Time of Trial of ſuch Iſſue to be had.

Orl. Bridgman.
Rob, Hyde.
Tho. Tyrrill.

Hil. *Annis* 15 & 16 Car. *Secundi Regis.*

Concerning Sheriffs Deputies upon Record.

WHereas the King's Majeſty's Juſtices of this Court have received Information, That very many Under-Sheriffs of this Kingdom and the Dominion of *Wales*, notwithſtanding ſeveral Acts of Parliament, and divers Orders of this Court to admoniſh them of the Duties of their Places, in Conformity thereunto, have neglected to have their Deputies upon Record, and to attend the Court in Term-time to receive Writs and Proceſs iſſuing out of and returnable in this Court, and to make and deliver due Returns of the ſame. And alſo have neglected the Execution of many ſuch Writs and Proceſs to them delivered, or having made Execution of the ſame Proceſs by Arreſt, or otherwiſe, have let Perſons go at large, without taking Security or due Order for their Appearance. And having taken the Bodies, or ſeized the Lands or Goods of Perſons outlawed upon Writs of *capias Utlagat*,

And Neglect of Execution of Writs, &c.

And letting Perſons go without Security.

And diſcharging Perſons taken upon Outlawry.

lagat, iſſuing out of this Court, have diſcharged ſuch Perſons and their Lands and Goods without Writs of *Superſedeas* for the ſame, or making any Return to the Court contrary to their Oaths and Duties of their Places, and expreſly againſt the Statute thereof lately made and provided to the manifeſt Delay of Juſtice, the Diminution of his Majeſty's Revenue, the Loſs of many Mens juſt Debts, and the Encouragement of Perſons to ſtand in Contempt of the Laws of this Realm. All which Inconveniencies and Miſchiefs his Majeſty's Juſtices being reſolved to uſe their utmoſt Endeavour and Power to reform, by examining and ſeverely puniſhing all Sheriffs, and Under-Sheriffs, and their Clerks, Deputies and Bailiffs whom they ſhall find hereafter faulty in the Premiſſes. It is therefore ordered and declared by the ſaid Juſtices of this Court, that every of the ſaid Sheriffs before the laſt Day of this preſent Term; and afterwards before the laſt Return of the next Term, after the taking of his Oath of Sheriff, ſhall make a Deputy on Record in this Court, according to the Statute made in the three and twentieth Year of the Reign of King *Henry* the Sixth in that Behalf. And that all Under-Sheriffs or their Deputies duly attend the Court in Term-time, and that that they duly execute and return the Writs and Proceſs of this Court, and take ſufficient Security, or certain Order for Appearance of all Perſons by them arreſted according to Law.

To the manifeſt Delay of Juſtice, *&c.*

Therefore ordered,

That Sheriffs make a Deputy on Record.

That Under-Sheriffs, *&c.* duly attend the Court,

And

And that no Sheriff, Under-Sheriff, Sheriff's Clerk, Deputy or Bailiff, nor any Steward, Bailiff of Franchiſe, Coroner, or their Clerk or Deputies ſhall ſet at Liberty any Perſon taken upon any Writ of *Capias Utlagat.* nor diſcharge the Lands or Goods of any Perſon Outlawed by them ſeized upon any Writs of *Capias Utlagat.* without a lawful Writ of *Superſedeas* under the Seal of this Court to them delivered for ſuch Diſcharge, according to the late Act of Parliament in the thirteenth Year of his now Majeſty's Reign in that Behalf made and provided. And it is further ordered, that no ſuch *Superſedeas* be made or iſſued out of this Court by any Officer, Clerk, Attorney or Miniſter of the ſame, without ſufficient Bail firſt taken according to Law and former Orders and Uſages of this Court, upon Pain of incurring the ſevereſt Puniſhment, which, according to Law and Juſtice can be inflicted upon the Offenders in any of the Premiſſes.

Not to diſcharge any Perſon, *&c.* taken upon Outlawry without *Superſedeas.*

No ſuch *Superſedeas* without ſufficient Bail.

Orl. Bridgman.
Tho. Tyrrill.
Sam. Browne.
Jo. Archer.

Mich. xvii. Car. 2.

No *Superſedeas* after the Return of an Exigent.

FOR the better Execution of the Proceſs of Outlawry to be made and iſſued by and out of this Court, and the Prevention of divers Abuſes by a Neglect of the ſame. It is ordered that upon every Writ of Exigent which ſhall be ſued forth of this Court, from and after this Term, if a *Superſedeas* be not put in thereunto at or before the Return thereof. That no *Superſedeas* ſhall by any Sheriff or other Officer, be allowed as an Appearance to any ſuch Writ of Exigent until the Defendant ſhall have paid unto the Plaintiff or his Attorney, or left in the Court with one of the Prothonotaries thereof, the full and juſt Coſts of Suit, as he ſhall have been at in the ſuing forth of ſuch Writ of Exigent to be taxed by the ſaid Prothonotary. And that upon reverſing of all and every Outlawry the Party Defendant, which reverſeth the ſame, ſhall before the Reverſal thereof or any *Superſedeas* made thereunto, give ſpecial Bail, if the Sum of Money or Damages expreſſed in the Original Writ, whereupon the Exigent was awarded, ſhall amount to the Sum of twenty Pounds, and the Plaintiff or Plaintiffs ſhall require the ſame, and pay to the Plaintiff or Plaintiffs or his or their Attorney, or leave in the Court for him or

To be allowed as an Appearance until Coſts ſecured.

Defendant ſhall give ſpecial Bail upon a Reverſal if, *&c.*

And to pay full Coſts.

or them, his or their full and juſt Coſts of Suit expended in the Proſecution of the ſame, to be taxed as aforeſaid. And for the Prevention of the great and common Abuſe committed by the Sheriffs and Bailiffs for inlarging of Perſons arreſted upon *Capias Utlagat.* before Judgment, without a *Superſedeas* firſt had, It is farther ordered, that if any Sheriff or Offices whatſoever ſhall ſet at Liberty any Perſon arreſted upon a *Capias Utlagat.* before Judgment without a lawful *Superſedeas* in that Behalf firſt delivered unto him or them; That upon Affidavit thereof made and filed, every Perſon offending therein ſhall pay the Sum of forty Shillings to the Party grieved, or complaining, who ſhall have an Attachment of courſe againſt ſuch Sheriff, Officer or Party offending for the Payment of the ſame, and the Party or Parties ſo offending ſhall likewiſe undergo ſuch other Puniſhments as by this Court ſhall be thought fit.

Further Remedy againſt ſuch Sheriffs upon a Diſcharge without a *Superſedeas.*

Penalty 40 *s.*

And an Attachment of Courſe for Payment.

Orl. Bridgman.
Tho. Tyrrill.
Sam. Browne.
Jo. Archer.

Trin. xxi Car. 2.

Concerning an Attorney's making due Entries in that Office, wherein he was firſt ſworn.

WHereas by the ancient Courſe and Uſage of this Court, every Attorney thereof ought to remain and continue, and make his Entries in that Prothonotary's Office only, wherein ſuch Attorney by his own Election was firſt ſworn and ſettled, and not to remove or withdraw himſelf or any of his Buſineſs from that Office, to any other of the Prothonotary's Offices, without the Licence of this Court, upon juſt Cauſe firſt ſhewed and allowed by the Court: And whereas ſeveral good Orders have been made by this Court for the Continuance and Obſervance of the ſaid ancient Courſe: Nevertheleſs of late time ſeveral Attornies of this Court have withdrawn themſelves and their Buſineſs from the reſpective Offices wherein they made their firſt Election, to enter their Cauſes, whereby great Miſchiefs have happen'd to divers of his Majeſty's good Subjects, and great Diſorders and Confuſion have been occaſioned in this Court. For Remedy whereof, and for ſettling good Order in this Court for the future: And to the Intent the ſaid ancient Courſe may be duly obſerved hereafter: It is ordered by the Juſtices of this Court this preſent *Trinity* Term, that every Attorney of this Court, who at or upon

Ordered, that ſuch as had formerly withdrawn ſhould reduce themſelves, and continue in their firſt Office.

on the first Day of *Easter* Term, in the twentieth Year of his now Majesty's Reign, or at any Time since, hath withdrawn himself or any of his Causes from that Prothonotary's Office, where he was then settled, unto any other Office, do upon Notice of this present Order reduce himself unto that Prothonotary's Office where he was then settled, and there continue and henceforward cause all his Business and Causes to be entred and made in the said Prothonotary's Office only, and in no other Office, upon Pain of incurring the Displeasure of this Court, and such Penalties as this Court shall think fit to inflict for the first Offence, and for the second Offence to be expelled from this Court.

Upon Penalty, &c.

And it is farther ordered, that no Attorney of this Court admitted since the first Day of the said *Easter* Term, nor any other Attorney hereafter to be admitted without the Licence of this Court, upon just Cause shewed and allowed by the Court, first had, shall shift from the Prothonotary's Office where he hath or shall make his own Election, and be sworn and settled, as aforesaid, upon like Penalties aforesaid. And it is farther ordered, that no Prothonotary of this Court shall hereafter permit or suffer any such removing or shifting Attorney to enter any of his Causes in his Office contrary to this present Order.

That no Attorney hereafter shall without Licence shift from the Office he elected, &c.

That no Prothonotary suffer such shifting Attorney to enter any of his Causes in his Office.

Jo. Vaughan.
Tho. Tyrrill.
Jo. Archer.
W. Wylde.

Trin. xxi Car. 2.

Concerning Imparlances or *Incipiturs* to be entred on Record.

WHereas, upon Complaint daily made unto this Court, it doth plainly appear that many Diſorders are of late crept into this Court, by reaſon that the Clerks and Attornies of this Court do neglect according to their Duty, and the ancient Uſage and Cuſtom of this Court, to enter upon Record Imparlances or *Incipiturs*, in all ſuch Cauſes wherein Imparlances or *Incipiturs* ought to be entred. And by reaſon thereof many Judgments are entred and Iſſues are join'd before there is any Foundation in Law, or preceding Record to Warrant the ſame. And thereby Defendants are compelled to plead to an erroneous Copy, not warranted by any Record to the manifeſt and apparent Damage of his Majeſty's Subjects, and contrary to the ancient Orders and Proceedings of this Court. For the Prevention whereof, to the Intent the ſaid ancient Courſe may be duly obſerved hereafter, It is ordered by the Juſtices of this Court this preſent *Trinity* Term, that all Attornies and Clerks of this Court do henceforth duly enter or cauſe to be entred, Imparlances or *Incipit'* in all Cauſes according to the ancient Uſage of this Court, and that the want of entring an Imparlance or *Incipitur* in every Cauſe, wherein Imparlances

Inconveniencies contrary to ancient Practice.

That Imparlances or *Incipiturs* in all Cauſes, &c. be entred.

ances ought to be entred, be a ſufficient Cauſe for the Defendant to have a farther Imparlance of Courſe. And that no Attorney, Clerk, or any Miniſter of this Court, ſhall hereafter give any common Rule to plead in any Cauſe wherein Imparlances or *Incipiturs* ought to be, and are not entred upon Record in any of the Prothonotary's Remembrances until the reſpective Prothonotary, in whoſe Office the Cauſe is, ſhall give Allowance for the giving of ſuch Rule to plead. And that the Rule of this Court made this preſent Term, for the Prevention of all Debates and Controverſies that may hereafter happen to ariſe between the reſpective Prothonotaries of this Court, concerning Attornies that have or ſhall hereafter remove themſelves and their Buſineſs from one Prothonotary's Office to another, may be effectual to all Intents and Purpoſes, It is farther ordered by this Court this preſent *Trinity* Term, by and with the Conſent of the reſpective Prothonotaries of the ſame Court, that the ſaid reſpective Prothonotaries ſhall permit and ſuffer each other reſpectively by themſelves or their reſpective Clerks to ſearch each others Doggets, and Judgment Books at ſeaſonable and convenient Times, for the better Diſcovery and Prevention of ſuch Abuſes in the future. And that if it ſhall hereafter happen that any Matter or Buſineſs be henceforward entred in any Prothonotary's Office, contrary to the ſaid Order, that then ſuch Prothonotary ſhall upon Notice and Requeſt made to him, repay the Fees received for doing

Elſe a farther Imparlance of Courſe.

No Common Rule to plead, if no ſuch Entry, until, *&c.*

Further Ordered to prevent Attornies ſhifting Offices.

Doggets and Judgment Books to be ſearched by the Prothonotaries.

And to pay each other the due Fees, *&c.*

doing of ſuch Buſineſs to ſuch Prothonotary to whom ſuch Fees did of Right belong.

To be entred before filed, &c.

And that no Bill ſhall be filed againſt any Officer, Attorney, Clerk or Miniſter of this Court to be called in Court, in order to a Fore-judger, until the ſaid Bill be actually entred upon Record, and a number Roll put upon the ſaid Bill.

Jo. Vaughan.
Tho. Tyrrill.
Jo. Archer.
W. Wylde.

Paſchæ xxiv Car. 2.

An Order concerning the Superſedeas *Office.*

To prevent Abuſes.

Ll. FOraſmuch as by the Information of *Richard Abbot*, Gentleman, Officer of the Office aforeſaid, the Court is given to underſtand and be informed, that divers Abuſes are frequently committed contrary to the ancient Uſe and Cuſtom of this Court, in Deceipt of the King's Majeſty of his Seals, and defrauding and deceiving divers Officers thereof: It is ordered by the Court for Prevention of ſuch like Frauds, Deceits

Ordered,

Deceits and evil Carriages for the future, that no Under-Sheriff, or County-Clerk, of any County within this Realm, nor any Attorney or other Miniſter of this Court, ſhall return or cauſe to be returned upon any Writ of *Exigi Facias* iſſuing out of, or returnable in this Court, any falſe Return of *reddidit ſe*, where in Truth the Defendant hath not rendred himſelf to the Sheriff: And that no Clerk, Attorney, or other Miniſter of this Court ſhall enter or cauſe to be entred any *retraxit* with any Under-Sheriff, County Clerk, or other Miniſter aforeſaid whatſoever, upon any Writ or Writs of *Exigi facias*, iſſuing out of, and returnable in this Court, until the ſame *retraxit* be entred upon the ſame Roll, upon which the ſaid Exigent is awarded of that preſent Term in which the ſame is returnable. And that no farther Proceeding be in that Cauſe after the Party outlawed by filing a new Original or by any other Means Ways or whatſoever to deceive the King's Majeſty of his Seals, and the aforeſaid Officer of the *Superſedeas* Office of his juſt Fees, for making and ſigning of the Writs of *Superſedeas quia improvide*, to ſuch Writs of Exigent or any other Officers of their juſt Fees. And that no Under-Sheriff, or County-Clerk aforeſaid, or other Miniſter of the ſame Court whatſover, from and after the End of this preſent Term, ſhall receive any Writ of *Superſedeas*, or allow

That no Under-Sheriffs. *&c.* ſhall return a *reddidit ſe*.

Where the Defendant hath not rendred himſelf.

No *retraxit* with the Under-Sheriff.

Until it be entred on the Roll.

No Proceedings, *&c.* to prevent Fees of a *Superſedeas quia improvide*, *&c.*

Superſedeas to be duly ſigned and ſealed.

low any ſuch Writ upon his or their Book or Books, File or Files, until the ſame be duly ſigned by the proper Officer of the ſaid Office, and alſo ſealed. And laſtly,

Where none ſhall give or receive any Copies of Declarations founded upon an Exigent.

It is ordered that no Attorney, or other Miniſter of this Court, either for Plaintiff or Defendant, ſhall give or receive any Copy or Copies, of Declarations founded upon any Writ of *Exigi facias*, until the King's Majeſty's Writ of *Superſedeas* be duly ſigned and ſealed, and allowed with the Sheriff, Under-Sheriff, or his lawful Deputy, of the County where the Exigent is laid,

Jo. Vaughan.
Jo. Archer.
W. Wylde.
Rob. Atkyns.

Paſchæ xxiv Car. 2.

Concerning entring Appearances for Defendants, &c.

WHereas ſeveral irregular Attornies, retained to appear for Defendants, have contrary to the Law and Uſage of this Court neglected to enter Appearances for ſuch Defendants, to the Delay of Plaintiffs, Damage

Damage of Defendants, Abuſe of this Court, and to the defrauding the King's Majeſty of the Duty of Six-pence, for every Appearance given by a late Act of Parliament, entituled, *An Act for laying Impoſitions upon Proceedings in Law:* For Remedy whereof, it is ordered by the Juſtices of this Court in this preſent *Eaſter* Term, That every Attorney retained to appear for any Defendant to any Writ iſſuing out of this Court, which are made by the reſpective Filacers of this Court, ſhall from henceforth according to the Courſe of this Court, enter the Appearances of all Defendants with the proper Filacer of this Court, of the City or County from whom ſuch Proceſs reſpectively did iſſue where the Action is laid, and pay the ſaid Duty of Six-pence unto his Majeſty to the ſaid Filacer, together with the ſaid Filacer's Fee upon the Penalties in the ſaid Act of Parliament mentioned. And it is farther ordered, that no Defendant ſhall be permitted to imparle, amend his Plea or move to change the Venue in any Action until his Appearance be entred as aforeſaid. And that no Attorney of this Court ſhall receive any Declaration unleſs an Appearance be firſt entred with the Filacer, as aforeſaid, under the like Penalty. And that no Attorney ſhall deliver or cauſe to be deliver'd any Declaration or Count to the Defendants or Tenants Attorney, or to any Perſon for him until the Appearance (to warrant ſuch Delivery) be duly entred with the proper Filacer, under the Penalty to be expelled the Court. And it is farther ordered for the better

Ordered, That Attornies ſhall enter the Appearances for the Defendants with the proper Filacers, *&c.*

No Imparlance, *&c.* to be allowed.

Nor Declaration to be received or delivered till Appearance entred.

Penalty.

better diſcovering and puniſhing of Offenders againſt this Order, That the reſpective Filacers of this Court may at all convenient Times freely peruſe the Doggets and other Memorials of the Prothonotaries reſpectively of this Court, to the End that in every Term they may deliver in Writing the Names of all Attornies of this Court, who ſhall not have entred the Appearances of ſuch Defendants who employ them with the proper Filacer of this Court, to the Lord Chief Juſtice of this Court, or his Brethren (which they are hereby required diligently to do,) to the end the ſaid Juſtices may without Remiſsneſs proceed againſt ſuch as ſhall be found Offender againſt this Order.

The Filacers may peruſe the Prothonotaries Doggets, *&c.*

Jo. Vaughan.
Jo. Archer.
W. Wylde.
Rob. Atkyns.

Paſcha

Paſchæ xxvii Car. 2.

An Order concerning the delivering of Copies of ſpecial Verdicts and Demurrers unto the Juſtices of this Court, in all Cauſes entred into the Court Books for Argument at the Bar.

IT is ordered by the Court, That every Attorney of this Court towards any ſuch Cauſe, ſhall deliver true Copies of the Record thereof to the reſpective Juſtices of this Court, by the Space of one whole Week at the leaſt next before the Day appointed for ſuch Argument. Namely, The Attorney for the Plaintiff one Copy thereof to the Lord Chief Juſtice, and another to the Senior Judge. And the Attorney for the Defendant, like Copies to each of the other two Juſtices of this Court for the Time being, according to the ancient Courſe here uſed under ſuch Penalty as the Court ſhall think fit to inflict upon the Attorney neglecting his Duty therein. And it is farther ordered by the Court, That no Argument by Counſel on either ſide ſhall be heard at the Bar until Books be delivered to all the Judges. Provided nevertheleſs, That in caſe the Attorney of either Party ſhall not deliver Books as he ought, then if

Copies to be delivered to the Juſtices.

Two by the Plaintiff's,

And two by the Defendant's Attorney.

Under Penalty, &c.

No Argument to be heard till the Books be delivered.

if the Attorney on the other ſide for expediting his Client's Cauſe will deliver Books to all the Judges, three Days at the leaſt before the Argument, Counſel ſhall be heard on his Client's Behalf at the Day appointed. And the Attorney delivering Books, as aforeſaid ſhall be imburſed the Charges of delivering the two Books, which ought to have been delivered by the Attorney of the adverſe Party, which Charges the ſaid Attorney ſhall be bound to pay upon Demand thereof. And laſtly, it is ordered, That if the Charges of delivering the ſaid two Books ſhall not be paid before Judgment ſhall be given in the Cauſe, the Charges of delivering the ſaid Books ſhall be allowed upon taxing Coſts. And in that Caſe the Attorney ſhall not be compelled to pay the ſaid Coſts. But if no Coſts are to be taxed in the Caſe, then the Attorney making Default in delivering of Books as aforeſaid, ſhall be compelled to pay the Charges of the Copies ſo delivered by the Attorney of the adverſe Party, by Attachment or otherwiſe as the Court ſhall think fit.

If not paid for before Judgment, then to be allowed upon taxing Coſts

If no Coſts to be paid, then he ſhall be compelled by an Attachment, *&c.*

by the Court.

Fra. North
Hugh Wyndham.
Rob. Atkyns.
Wm. Ellys.

Trin

Trin. xxviii Car. 2.

A Rule concerning Allowances of Writs of Error, and Nonſuits upon them.

FOraſmuch as Information is given to the Lord Chief Juſtice of the Court of *Common-Pleas*, that ſeveral Attornies of the ſaid Court, do make out Execution upon Judgments, whereupon Writs of Error are brought, without giving Rules, or ſigning *Non pros* with the Clerk of the Errors (to whom the ſame particularly belongs,) and do ſue out Writs of Error, and ſhew the ſame to the Plaintiff's Attorney in the Action, without bringing them to the Clerk of the Errors, or putting in of Bail before the Lord Chief Juſtice of the ſaid Court, according to the ſeveral Statutes in that Caſe made. For preventing of which irregular Practices, it is ordered by the Lord Chief Juſtice of the ſaid Court, that for the future no Attorney of the ſaid Court, do or ſhall make out any Executions, *non obſtante Brevi de Errore*, until they have had a Certificate from the Clerk of the Errors, that the Record is not removed, and a *Non-pros* thereupon duly ſigned, and that all Attornies, do forthwith bring their Writs of Error by them ſued out to the Clerk of the Errors, to be allowed according to the ancient Practice of the Court,

Ordered, That no Execution be ſued out *non obſtante brevi de Errore* until a Certificate, *&c.*

And that all Writs of Error ſued out be brought to the Clerk of the Errors, *&c.*

Court, or in Default thereof, the Plaintiff's Attorney in the Action is, and may be, at Liberty to proceed to Execution.

Fra. North.

Mich. xxviii Car. 2.

That Writs of Error be brought to the Clerk of the Errors, &c. or no Stay of Execution.

ORdinatum eſt quod omnia brevia de Errore indilate deliberenter Clerico Errorum pro tempore exiſten' Quodque nemo tenebitur abſtinere à proſecutione executionis pretextu alicujus brevis de Errore priuſquam predictum breve deliberatur Clerico Errorum & in caſibus ubi ſpeciale Ballium requiritur, Niſi querens ſuper tali brevi de Errore infra quatuor dies poſt deliberationem inde imponet Ballium ſecundum legem, & obtinebit breve de Superſedeas ſuperinde Defendens poterit procedere ad executionem non obſtante tali brevi de Errore. Et ulterius ordinat' eſt quod poſt breve de Errore debito modo allocat' & Superſedeas ſuperinde obtent' nulla fiet Executio pro non tranſcribend' Record' in Bancum Regis, ſine Certificatione in ſcriptis per Clericum Errorum, quod querens in tali brevi de Errore fecit defalt' in tranſcribend' Record' in Bancum Regis juxta Regulam Curiæ prius de curſu dand'.

Special Bail and a *Superſedeas.*

No Execution without a Certificate, &c.

Fra. North. } {Rob. Atkyns.
Hugh Wyndham. } {Will. Scroggs.

Hil.

Hil. xxviii & xxix Car. 2.

WHereas ſeveral cautionary Rules have been, and are uſually made by this Court, and directed to be left with the Officers, *viz.* the *Cuſtos Brevium*, Clerk of the King's Silver and Chirographer, for the ſtaying of Fines ſuggeſted to have been acknowledged by Infants, or Feme-coverts without the Conſent of their Husbands, or Perſons of *non ſane memorie*, or otherwiſe diſabled in Law to acknowledge the ſame, which Rules being numerous, and the Perſons concerned therein being negligent in the renewing and continuing thereof, as they ought to do every Term, and in length of Time the Parties diſabled as aforeſaid by Marriage or otherwiſe, having changed their Names. It becomes impoſſible for the ſaid Officers duly to obſerve the ſaid Rules incumbent on them for ſtaying ſuch Fines. It is therefore ordered, that all Rules heretofore made for the ſtaying any Fine or Fines upon any ſuch or the like Suggeſtion or Occaſion, as aforeſaid, ſhall be renewed or continued, and Copies thereof left with the ſaid reſpective Officers before the End of *Eaſter* Term next, or otherwiſe that the ſame be no way obligatory upon the ſaid Officers or any of them. And that for the future all Perſons making

To prevent paſſing Fines acknowledged by Infants, &c.

Or others diſabled in Law to acknowledge the ſame.

Ordered, That all former Rules relating thereto be renewed, &c,

Future Rules to be entred and continued.

any Complaint againſt ſuch Fines acknowledged by Perſons ſo diſabled as aforeſaid, or by any Perſon in the Name of another, or by the like Deceit, ſhall from Term to Term ſo long as they expect Benefit or Obſervance of ſuch Rule, enter and continue the ſame Rule for that Term, or leave Copies thereof with the ſaid reſpective Officers that the ſame may thereby be the better taken Notice of, or in Default thereof, the ſaid Officers or any of them ſhall not ſtand farther obliged thereby. And all Perſons concerned in the obtaining or proſecuting ſuch Rules, for the ſtaying ſuch Fines ſo levied as aforeſaid, their Attornies or Clerks are hereby enjoin'd every Term to ſearch and ſee the Books and Entry of Fines with the Clerk of the King's Silver, or other Officers where Entries are kept for that Purpoſe. In as much as it is not poſſible for the Officers to take that Care, for the ſtopping of ſuch Fines and Recoveries, as by Order of Court they ſhall be enjoined to ſtop, by Reaſon of the Multiplicity of old Orders which are never recalled, ſo that they cannot know which Orders are in Force, It is therefore ordered, that for the future all manner of *Caveats*, and Orders for the ſtopping Fines and Recoveries, to be renewed every Term, or elſe to loſe their Force.

Copies to be left with the reſpective Officers, *&c.*

Perſons concerned to ſearch the Office Books.

All *Caveats* for ſtopping Fines and Recoveries to be renewed every Term, *&c.*

Fra. North.
Hugh Windham.
Rob. Atkins.
Will. Scroggs.

Paſche

Paſche xxix Car. 2.

FOraſmuch as it hath been repreſented to this Court by the Clerk of the King's Silver of this Court, that it is not poſſible for him to take care of the ſtopping of ſuch Fines, as by order of Court he is enjoined to ſtop, by reaſon of the Multitude of old Orders concerning this Matter, which have been granted and never recalled, ſo that he cannot know which Orders ſtand in Force, and which are determined. It is therefore ordered, that for the future all manner of *Caveats* and Orders for the Stopping any Fines, ſhall be renewed every Term, and Copies thereof left with the Clerk of the King's Silver, for which he is to demand only his ancient Fee of 3 *s.* and 4 *d.* the Term as aforeſaid, and in Default thereof, all *Caveats* that ſhall not be ſo renewed ſhall loſe their Force and be void.

Concerning ſtopping of Fines.

Ordered, that all ſuch *Caveats* and Orders ſhall be renewed, and Copies left with the Clerk of the King's Silver, *&c.*

Fra. North.
Hugh Wyndham.
Rob. Atkins.
Will. Scroggs.

Trin. xxix Car. 2.

For admitting Officers and Attornies of ſome Inns of Court or Chancery.

WHereas divers Complaints have been made to this Court, of the manifold Inconveniencies and Miſchiefs that daily happen, for that many of the Officers and Attornies of the ſaid Court, having publick and conſiderable Employments in the Law, are not admitted of any of the Inns of Court or Chancery, where if they were, they might be better known and more readily reſorted to, and the better manage their Affairs, but lodge and keep their Offices in Places obſcure and remote from the ſaid Inns of Court and Chancery, contrary to the ancient Courſe and Uſage, and to the great Damage of the King's People through Surprizes happning, and Advantages thence taken and inflicted upon, for Prevention of which in time to come, it is ordered by the Juſtices of this Court, that all Attornies already admitted of this Court, (except ſuch as dwell in *London* and *Weſtminſter*, and the Suburbs thereof, or in the Burrough of *Southwark*, and the Liberty of St. *Katharine* near the *Tower* of *London*,) ſhall be admitted of ſome of the Inns of Court or Chancery, before the End of *Michaelmas* Term next coming, and take Chambers there, if conveniently that may be done, elſe that they take Chambers or Lodgings in ſome

Ordered, that all Attornies except, *&c.* ſhould be admitted.

ſome convenient Places near the ſaid Inns, and leave Word with the Butlers of ſuch Inns where their Chambers or Habitations are, upon Pain of being put out of the Roll of Attornies. And that no Perſon whatſoever (except as is above excepted,) ſhall hereafter be ſworn an Attorney of this Court, unleſs he be firſt admitted of ſome of the Inns aforeſaid, and bring and produce in Court, at the Time of his being ſworn, a Certificate under the Hand of the Treaſurer or Principal of the ſaid Inn whereof he is admitted, teſtifying his Admiſſion, which Certificate every Attorney ſo ſworn ſhall deliver to the Clerk of the Warrants of this Court for the Time being, to be by him filed before ſuch Attorney's Name ſhall be entred into the Roll of Attornies of this ſaid Court, remaining with the ſaid Clerk of the Warrants, unto which File of Certificates the Treaſurers and Principals aforeſaid may from time to time reſort as they ſhall ſee Cauſe.

How to be ſworn for the future; a Certificate of Admittance to be produced,

And delivered to the Clerk of the Warrants, &c. to be filed;

Fra. North.
Hugh Wyndham.
Rob. Atkins.
Will. Scrogs.

Trin. xxix Car. 2.

How Records of *Niſi prius* are to be ingroſſed and entred on the Roll.

IT is ordered by this Court, that the reſpective Prothonotaries do take Care that every Record of *Niſi prius* that is ſigned by them be ingroſſed in a fair legible Character, and ſo entred on the Roll, and that at the Beginning of every Pleading it be begun with a new Line, and the firſt Word thereof in a greater Character than the reſt. And that in all Actions that have divers Narrs, they give Notice thereof by Figures in the Margent of ſuch Record of *Niſi prius*. And in Default thereof the ſaid Prothonotary ſign not the ſame. And it is likewiſe ordered, that Mr. *Ingram* that doth ſign, and the reſpective Clerks of the Treaſury of this Court that do ingroſs Records of *Niſi prius*, from thence do from time to time take the ſame Care of all Records made out of the ſaid Treaſury. And that all the Records of *Niſi prius*, that ſhall be ingroſſed in this Court for the future, be of the exact Breadth of the Rolls of this Court, and not broader or leſſer.

How by the Clerks of the Treaſury.

Fra. Forth.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Trin.

Trin. xxix Car. 2.

WHereas Complaints have been made to this Court, that divers Perſons have ſued out Writs of Privilege and Attachments at their own Suits, as Attornies of this Court, who have either diſcontinu'd or had their Names put out of the Roll of Attornies, remaining with the Clerk of the Warrants of this Court, or were never entred upon the Roll, and yet have proſecuted ſuch Writs ſo as to free themſelves from Arreſts, or to force Bail where none ought to be given; for the Prevention of which Abuſes, it is ordered, that the Clerk of the Warrants at the End of this and every other Term, ſhall certifie under his Hand to the Seal-Office of this Court, the Names of all thoſe Attornies that have diſcontinued and that are fore-judged the Court, and put out of the Roll, and have not filed any Warrant of Attorney, nor continued their Names upon the Roll for above four Terms paſt, and that hereupon for ſuch Perſons no Writ of Privilege or Attachment be ſealed until they ſhall have a Certificate from the ſaid Clerk of the Warrants, or have their ſaid Writs by him ſigned, to teſtifie that their Names are upon the Roll of Attornies, for which no Fee is to be paid. And it is farther ordered, that no Attor-

To prevent Attornies that have diſcontinued, *&c.* to ſue out Writs of Privilege.

Ordered, that the Clerks of the Warrants certifie ſuch Attornies Names to the Seal-Office, *&c.*

Certificate or ſigning by the Clerks of the Warrants.

ney, at any time ſworn and entred upon the Roll, ſhall have his Privilege as a Clerk to any Prothonotary of this Court, but only as Attorney according to the ancient Cuſtom.

Fra. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Trin. xxix Car. 2.

Regula generalis concernen' Recorda de Niſi prius extra Cur. hic impoſterum emanan'.

To prevent the Delay of Attornies in not proſecuting Records of *Niſi prius* in a fit Time.

How to be ſigned.

ſſ. *DEcimo ſexto* Junii *pro meliori reformatione & preventione multarum inconvenienciarum ratione negligenc' & dilationum diverſorum Attorn' hujus Cur' ſubdit' Dom' Regis nunc contingen' in non proſecutione Record' predict' pro triationibus exit' ad Aſſiſas infra tempus opportunum poſt clauſum Termini prox' preceden' hujuſmodi Aſſiſas contra antiquum uſum & curſum hujus Cur' Ordinat' eſt quod omnia recorda predicta extra Cur' hic emanan' erunt ſignat' per reſpectivos Prothonotar' dict' Cur' ac ſignat' & ſigillat' per Clericum The-*

Theſaurar' vel al' perſonam in ea parte deputat' infra ſpatium trium ſeptimanarum prox' poſt finem hjus Termini & infra idem ſpatium prox' poſt clauſum cujuſlibet Termini Sancti Hillarii & cujuſlibet Termini Sanctæ Trinitatis in futur'. Et non poſtea niſi pro rationabili cauſa ſpecial' Warrant' proinde obtentum fuerit.

per Curiam.

Fra. North.
Hugh Wyndam.
Rob. Atkyns.
Will. Scroggs.

Trin. xxix Car. 2.

A Rule for the better Obſervation of a late Act of Parliament made concerning Judgments.

WHereas by an Act of this preſent Parliament, it is enacted, that from and after the four and twentieth Day of *June* next, every Judge or Officer of this Court, that ſhall ſign any Judgment, ſhall at the Signing of the ſame, (without Fee for doing the ſame,) ſet down the Day of the Month and Year of his ſo doing, upon the Paper Book which he ſhall

29 *Car.* 2.

Concerning ſigning of Judgments, and ſetting down the Day of the Month, &c.

ſhall ſo ſign, the which Day of the Month and Year ſhall be alſo entred upon the Margent of the Roll of the Record, where ſuch Judgment ſhall be entred. Now to the End the ſame may be duly and juſtly done, in Purſuance of the ſaid Act, it is ordered by this Court, that the reſpective Attornies and Clerks of this Court that ſhall procure any Judgment to be ſo ſigned as aforeſaid, (after the ſaid xxiv. Day of *June*,) ſhall at the bringing in of their Rolls to the reſpective Prothonotary, at the ſame time whereon ſuch Judgments are entred, produce the reſpective Paper Books whereon ſuch Judgments are ſigned, that ſo the reſpective Prothonotary may better examine the reſpective Days, entred on the Margent of the Roll of each particular Judgment, that they do agree with the reſpective Days, ſigned by ſuch Prothonotary on the reſpective Paper Books. And to the End that the ſaid reſpective Prothonotaries may the better perform their Duty herein, it is farther ordered by this Court, that every Attorney and Clerk that ſhall make ſuch Entries, ſhall bring in their reſpective Rolls to the reſpective Prothonotaries in Manner and Form following, that is to ſay, the Rolls of every *Trinity* Term in every Year, at or before the Feaſt-Day of St. *Michael* the *Archangel*, then next following, and the reſpective Rolls of every *Michaelmas* Term, in every Year at or before the Feaſt-Day of St. *Thomas* the *Apoſtle* then next likewiſe following, and alſo the reſpective Rolls of every *Hillary* Term in every

Ordered, that the Paper Books whereon the Judgments are ſigned be produced.

That the Prothonotary may ſee if the Days agree.

How the Rolls are to be brought in.

Trinity Term.

Mich. Term.

Hillary Term.

every Year, at or before the Feaſt-Day of the *Annnnciation* of our *Lady* the *Virgin*, then next likewiſe following, and alſo the reſpective Rolls of every *Eaſter* Term in every Year, at or before the firſt Day of every *Trinity* Term in every Year, then next likewiſe following, under ſuch Pains and Puniſhments upon every Default made by any Attorney or Clerk of this Court, as this Court ſhall think fit to inflict on ſuch Defaulters. And it is farther ordered, that upon the ſigning of all Judgments, by the reſpective Prothonotaries of this Court, upon *Poſtea* Writs of *Inquiry*, ſpecial *Verdicts*, *Demurrers*, *Nul tiel Records*, *Relicta Verificatione*, and ſuch like Judgments, the ſame ſhall be delivered over forthwith, after ſuch ſigning to the reſpective Clerks of the Judgments in each Office, that ſo the reſpective Days, being the Time when ſuch Judgments are ſigned, may be drawn up in the reſpective Judgment Papers in each Prothonotary's Office, that ſo the ſame may be entred on the Margent of the Roll of every ſuch Record, where ſuch Judgment is entred. And it is farther ordered, that the reſpective Prothonotary ſhall not ſign any Judgment by ſuch Confeſſion, either by *non ſum informa* or *nihil dic'* unleſs the ſame be brought to be ſigned within twenty Days after the reſpective Ends of every *Trinity*, *Michaelmas* or *Hillary* Terms in every Year reſpectively, and at or before the firſt Day of every *Trinity* Term in every Year, unleſs ſuch Attorney or Clerk do produce before ſuch Protho-

Eaſter Term.

Under Pain and Puniſhment, *&c.*

Judgments upon Writs of Inquiry.

To be delivered over to the Clerk of the Judgments.

Judgment by Confeſſion either by *Non ſum informa'* or *nihil dicit*, within what Time to be ſigned.

Prothonotary a Warrant, or Warrants of Attorney, that do bear Date after the End of every ſuch Term, and then ſuch Judgments on ſuch Warrants ſo produced, may be ſigned at or before the Eſſoin-Day of every ſucceeding Term in every Year, and not after.

Fra. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Mich. xxix Car. 2.

Ordered, that ſuch Writs and Warrants as relate to Recoveries be left with the Prothonotary at the examining and ſigning the Exemplifications, with the uſual Fees for filing them with the *Cuſtos Brevium* and Clerk of the Warrants.

THrough the great Complaints that have been made to this Court, of the Neglects of Attornies and Clerks, to file the Writs and Warrants of Attorney, whereupon common Recoveries have been ſuffered, and of the Miſchiefs that have thereupon hapned; and for the Prevention of ſuch Miſchiefs and Dangers in Time to come, it is ordered, as well by the Conſent of the *Cuſtos Brevium*, as of the Prothonotaries and Clerk of the Warrants of this Court, that at all Times hereafter when the ſaid Prothonotaries ſhall examine,

examine, and ſign the Exemplifications of ſuch Recoveries, they in their reſpective Offices do then cauſe all the ſaid Writs, being ſealed and duly returned, and all Warrants of Attorney thereupon taken without Writ to be left in their Hands to be filed with the uſual Fees for filing the ſame, without *poſt Terminums*. And that the ſaid *Cuſtos Brevium* and Clerk of the Warrants, or their known Deputies, ſhall receive from the ſaid Prothonotaries in their reſpective Offices, the ſaid Writs and Warrants of Attorney, with the ſaid Fees for filing thereof in Manner following, to wit, for the ſaid Writs and Warrants proſecuted and perfected of this preſent Term, and every other Term of St. *Michael* in *Eaſter* Term then next following, and for the ſaid Writs and Warrants of Attorney of every *Hillary* Term, in *Trinity* Term next after, and for the ſaid Writs and Warrants of Attorney of every *Eaſter* Term, in *Michaelmas* Term next after, and for the ſaid Writs and Warrants of Attorney of every *Trinity* Term, in *Hillary* Term then next following. And that the ſaid *Cuſtos Brevium*, and Clerk of the Warrants, or their ſaid Deputies, ſhall give Receipts under their Hand of all ſuch Writs and Warrants, as ſhall be from time to time received from each of the ſaid Prothonotaries by way of Duplicate, containing the County where the Lands lie, the Names of the Demandants, Tenants, and Vouchees, who come in by Writs of Summons. And alſo of the Attornies and Clerks

They muſt give Receipts for ſuch Writs and Warrants by way of Duplicate, &c.

Clerks Names, who proſecuted the ſaid Recoveries.

Fra. North.
Hugh Wyndham.
Rob. Atkins.
Will. Scroggs.

Paſch. xxx Car. 2.

Regula pro manu Attorn' gen' ad brevia de Ingreſſu habend'.

Reciting the former Rules for filing of Writs and Warrants of Attorney relating to Recoveries.

ſſ. *Vicesimo quinto* Aprilis, *Cum nuper ſcilicet Termino Sancti* Michaelis *ult. præterito pro evitatione errorum ſæpiſſime contingen' per negligentiam Attorn' & Clericorum Curiæ hic in defectu debite proſecutionis & filationis brevium de Ingreſſu Sum' Seſein' & Warrant' Attorn' ſuper quibus coia' Recuperar' extitiſſent permiſſa Ordinat' fuiſſet per Cur' ex aſſenſu Cuſtod' brevium Prothonotariorum & Clerici Warrant' hujus Cur' quod quandocunque Prothonotarii predicti in eorum Officiis reſpective examinarent & ſignarent aliquod Recuperar' per Curiam hic exemplificat' iidem Prothonotarii viderent quod Brevia & Warrant' predict' debite execut' & retornat' & in eorum Prothonatariorium manibus reſpective relict' eſſent cum uſual' feodis pro affilatione eorund' Jam ex querela* Williel-mi Jones *Militis Attorn' Dom' Regis generalis Juſtic' Cur' hic fact' quod quidam Attorn' &*

& Clerici ejuſdem Cur' brevia ſua de Ingreſſu per ipſum Attorn' generalem ſnb manu ſua ſignand' ut officio ſuo pertin' juxta Antiquum Curſum inferre neglexiſſent in defraudatione ipſius Attorn' general' de feodis ſuis in ea parte. Ordinat' eſt quod Prothonotar' predict' de futuro ſuper examinatione & ſign' tal' Recuperar' curam h'eant, quod quodlibet tale breve de ingreſſu ſignat' ſit per dict' Attorn' generalem Alit. iidem Prothonotarii ad ſignand' tales exemplificationes totaliter abſtineant quouſque breve inde ita ſignat' fuit, & dict' Attorn' general' deſideratur quod ipſe brevia predicta pro manu ſua habend' ſibi deliberat' ſine dilatione ſignare voluerit.

Ordered, that when the Prothonotary examines and ſigns the Recovery, he ſhall take Care that the Writ of Entry be ſigned by the Attorney General, &c.

Per Cur'.

Fran. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Trin.

Trin. xxxii Car. 2.

Regula generalis quoad Narrationes in ejectione firme in *London* & in Com' *Midd.*

In Ejectments in *Midd.* and *London* to tell the Tenants how to appear.

Motion for Judgment againſt the Caſual Ejector muſt be mov'd according to this Rule.

ſſ. *Viceſimo primo* Junii *Ordinat' eſt quod Queren' vel eor' Attorn' ſive partes quæ deliberari' fac' Narrationes in placito predicto in dict' Com'* Midd. *&* London, *ſuper tali deliberatione inde denunciabunt tenen' in poſſeſſione tentor' in queſtione reſpective quod ipſi compareant per Attorn' Cur' hic in defenſione tituli inde initio prox' Termini prox' poſt deliberation' Narr' ill' fact' & ulterius Ordinat' eſt quod queren' predicti de cetero nil capient per Motionem in Cur' hic fiend' ad judicium verſus caſualem ejectorem pro defectu comparencie habend. Niſi hujuſmodi motio fiat infra unam ſeptimanam prox' poſt primum diem cujuſlibet Termini ſancti* Mich. *Et cujuſlibet Termini* Paſche. *Et infra quatuor dies prox' poſt primum diem cujuſlibet Termini ſancti* Hil. *&* *cujuſlibet Termini ſanctæ* Trin.

Per Cur'.

Trin. xxxiii Car. 2.

Generalis regula pro Cuſtagiis ſuper proſecutione ad utlagar'.

ſſ. *Viceſimo ſecundo* Junii *Ordinat' eſt quod nullus Defendendens qui in vel poſt menſem Sancti* Mich. *prox' futur' utlagat' fuit. Ac qui comparebit & utlagar' reverſari faciat ſuper reverſatione ill' ſolvet pro cuſtag' queren' aliquam denarior' Summam exceden' uſual' cuſtagia de Exigend' in iſta Cur' una cum fine Domino Regi ſuper brevi originali ſi quis ſolut' fuit. Et quod omnia ulteriora Cuſtagia reſpectuant' uſque tempus ſignandi Judicium pro Queren'. Et ulterius Ordinat' eſt quod quilibet Defendens ſic utlagat' & utlagar' illam reverſari faciens ſi Querens ſuperinde non proceſſit infra duos Terminos prox' poſt notitiam reverſationis inde, habebit Cuſtagia per Prothonotarium taxand.'*

Upon reverſing Outlawry Defendant ſhall pay nothing exceeding the uſual Fees, *&c.*

Other Charges ſhall be reſpited until, *&c.*

If Plaintiff proceed not in two Terms, Defendant to have Coſts, *&c.*

per Curiam.

Pasche xxxiv Car. 2.

Regula generalis de Statuto penali.

How the *Postea* upon Action by *Qui tam, &c.* and Verdict for the King, shall be delivered to the Prothonotary.

ſſ. SExto Maii *Ordinat' eſt quod quandocunque actio per aliquem qui tam &c. pro Domino Rege ſuper aliquo ſtatuto penali proſecut' & triata fuit & ubi veredictum pro Domino Rege reddit' fuit le poſtea primo die prox' Termini prox' poſt veredictum pred' ſic reddit per Clericum Aſſiſar' retornat' deliberetur in hanc Cur' ad manus Prothonotarii in cujus Officio cauſa exiſtit & minimæ parti proſequend' & quod judicium ſuperinde intretur de Recordo ita quod pars illa penalitat' quæ Domino Regi pertinet debite levari poſſit. Et ulterius Ordinat' eſt quod cum judicium intrat' fuit de Recordo Nota ſive Præcipe Recordi illius cum Numero Rotuli inde deliberetur per Clericum Judicior' Clerico Warrant' hujus Cur' ut ſumma ſive finis ille Domino Regi ſic pertinens per ipſum Clericum Warrant' inter al' in Sum' dicti Domini Regis debite extrahetur Quodque idem Clericus Warrant' pro receptione talis Notæ ſive Præcipe manum ſuam apponet ad papirum Clerici Judicior' pro Judicio pred' intrand.*

Note to the Clerk of the Warrants.

per Curiam.

Paſch. xxxiv Car. 2.

Regula pro manu Attorn' general' ad Brevia de Ingreſſu habend'.

ff. *Decimo tertio* Maii *Super querimonia* Roberti Sawyer *Militis Attorn' Domini Regis generalis Juſtic' Cur' hic fact' quod quamplurima Brevia de Inſtreſſu in le poſt quæ per ipſum ut Attorn' general' ſub manu ſua ſignari debeant per diverſos Attorn' & Clericos hujus Cur' adhuc proſecut' ſunt. Et ſine manu ipſius Attorn' generalis prius habit' affilantur in defraudatione ejuſdem Attorn' de feod' ſuis & contra regulam Cur' hic in ea parte fact' Ordinat' eſt quod Prothonotar' hujus Cur' curam habeant, & quilibet eorum in Officio ſuo reſpective videat cum examinavit aliquod Recuperar' per Breve de Ingreſſu pred' quod Breve illud per pred' Attorn' generalem ſub manu ſua ſignetur Quodque Prothonotarius nullum tale Breve ad affiland' recipiet Niſi per pred' Attorn' ita ſignat' fuit.*

Ordered, That the Prothonotaries take care the Writs of Entry be ſigned.

Per Curiam.

Paſch. xxxiv Car. 2.

Concerning the bringing Rolls into the Office.

THE Juſtices of this Court taking Notice, and conſidering the great Miſchiefs which may and do happen, by reaſon that ſeveral Attornies and Clerks of this Court, to whom the Prothonotaries of this Court have delivered Rolls, have not in due time brought them back to be filed, whereby they have been in Danger to be loſt, and ſubject to have Judgments unduly entred upon them, to the great Damage of Purchaſors, and Scandal of the Court; for Prevention of which Miſchiefs it is now ordered, that none of the Prothonotaries of this Court ſhall hereafter deliver any Roll or Rolls to any ſuch Attorney or Clerk, who appears to be a Defaulter againſt this Order, in not bringing back his Rolls in due time, until they ſhall have brought in reſpectively ſuch Roll or Rolls that they had delivered unto them; and that it may appear in whoſe Cuſtody all Rolls are, it is farther order'd for the future, every Attorney or Clerk that ſhall receive any Roll, either Plea or Common from the reſpective Prothonotaries of this Court, ſhall ſign and ſet his own Hand to ſuch Prothonotary's Book, from whom they ſhall receive the ſame, for the Receit of ſuch Roll or Rolls, and that no Prothonotary do deliver any Rolls to any other, but to

Ordered, That no Roll be delivered to ſuch as make default in bringing in their Rolls.

Prothonotary's Book to be ſigned.

to the proper Hands of ſome known Attorney or Clerk of their reſpective Offices. And it is farther ordered, that the ſaid reſpective Prothonotaries of this Court, do and ſhall the firſt Day of every Term for the future, take an Account of what Rolls are wanting, of the precedent Term in their reſpective Offices, and ſhall reſpectively render an Account thereof to this Court, the ſecond Day of the ſucceeding Term, that ſo the Court may take Order for the bringing them in. And it is farther ordered, that every Attorney and Clerk of this Court that ſhall receive any Roll or Rolls as aforeſaid, Plea or Common of this or any other *Eaſter* Term for the future, ſhall bring in the ſame to the Office from whence he received the ſame, at or before the firſt Day of the next *Trinity* Term, and that the Rolls received of any *Trinity* Term for the future, ſhall be brought into ſuch Office, at or before the Feaſt-Day of St. *Michael* the *Archangel* next enſuing, the ſaid Term yearly. And that Rolls received of any *Michaelmas* Term, for the future, ſhall be brought into ſuch Office at or before the ſixth Day of *January* next, after the ſaid Term yearly. And that the Rolls received of any *Hillary* Term for the future, ſhall be brought into ſuch Office, by the Space of four Days before the Feaſt of *Eaſter* next, after the ſaid Term yearly. And it is farther ordered by this Court, that the Clerk of the Eſſoins for the future ſhall not preſume to deliver any Poſt-Rolls, or other Rolls of this Court, to any Attorney or Clerk of this Court, but to the reſpective

Prothonotaries to give an Account to the Court of the Rolls wanting.

How to be brought in.

Thoſe of *Eaſter* Term.

Thoſe of *Trinity* Term.

That of *Mich.* Term.

Thoſe of *Hill.* Term.

Poſt-Rolls to be delivered out to the Prothonotaries, &c.

Prothonotaries, and other Offices of this Court, that have a Right to ſuch Rolls. And if any Attorney or Clerk of this Court ſhall at any time for the future preſume to carry any of the Rolls of this Court into the Country, after they have been delivered to them by the reſpective Officers, to enter Cauſes there, contrary to the ancient Rules and Orders of this Court, this Court doth declare, that they will cauſe all the Penalties to be inflicted on ſuch Perſons as ſhall Act to the contrary, and upon Notice of ſuch Offenders, the Court will farther proceed againſt them as Contemners of the Rules of this Court.

No Roll to be carried into the Country.

Penalties if any be ſo carried.

Fra. North.
Hugh Wyndham.
Job Charlton.
Creſwell Levinz.

De Termino Sancti Michaelis Anno Regni Domini Caroli Secundi nunc Regis Angliæ, &c. tricesimo Sexto.

Concerning the Admittance of Attornies of ſome of the Inns of Court or Chancery.

WHereas divers Complaints have been made to this Court, that manifold Inconveniencies daily happen, for that many Clerks and Attornies of this Court have not been admitted of any of the Inns of Court or Chancery; which, if they were, they might be better known and more readily reſorted to, whereby Buſineſs of Law might be better managed, which cannot be ſo eaſily done if Clerks and Attornies of this Court be permitted to lodge out of the Inns of Court or Chancery, contrary to the ancient Uſage, and to the great Damage of the King's People, through Surprizes thence taken and inſiſted upon; and to the Detriment and Decay of the Societies of Law: For Prevention of which Inconveniencies, and to eſtabliſh a Remedy for the future, It is ordered by this Court, that all Clerks and Attornies of this Court already admitted of this Court (not already admitted *Ann* 36. C. 2.

Ordered,

That all Clerks &c. admitted of the Court ſhould alſo be admitted of ſome Inns of Court or Chancery if, &c.

admitted in ſome of the Inns of Court or Inns of Chancery) ſhall be admitted into ſome of the Inns of Court (if thoſe Honourable Societies ſhall pleaſe to admit them) or into ſome of the Inns of Chancery before the End of *Hillary* Term now next enſuing, and take Chambers there (if conveniently it may be done) elſe that they take Lodgings in convenient Places near the ſaid Inns, and leave Word with the Butler or Porters of ſuch Inn where their Chambers or Habitations are, upon Pain of being put out of the Prothonotary's Book and the Roll of Attornies, except ſuch Perſons who are and ſhall be hereafter Houſe-keepers in *London*, *Weſtminſter*, *Southwark*, or the Suburbs thereof, and the Liberty of the *Tower* of *London* and St. *Katharine*'s there, and ſuch who are ſworn Attornies of any Courts within the ſaid Cities, Town and Liberties; and that no

None hereafter to be admitted Clerk or Attorney without a Certificate.

Perſon whatſoever ſhall hereafter be admitted or ſworn a Clerk and Attorney of this Court, unleſs he be firſt admitted of ſome of the Inns aforeſaid, and bring and produce at the Time of his being admitted or ſworn, a Certificate under the Hand of the Treaſurer or Principal of the ſaid Inn whereof he is admitted (without paying any thing for the ſame) teſtifying his Admiſſion; which Certificate every Clerk ſo to be admitted ſhall deliver to the Prothonotary, in whoſe Office he ſhall be ſo admitted, to be by him filed before ſuch Clerk's Name be entred into the Prothonotary's Book, by him kept for that Purpoſe,

Produce Certificate.

To be filed in the Prothonotary's Office.

poſe, and every Attorney ſo ſworn ſuch Certificate ſhall deliver to the Clerk of the Warrants of this Court for the Time being, to be by him filed before ſuch Attorney's Name be entred into the Roll of Attornies of the ſaid Court, remaining with the ſaid Clerk of the Warrants, unto which File of Certificates the Treaſurers and Principals may from time to time reſort, as they ſhall ſee Cauſe. And it is further ordered by this Court, that in Caſe any Clerk or Attorney of this Court already admitted, or hereafter to be admitted into one of the Societies aforeſaid, do put himſelf out of the ſaid Society whereof he ſtands admitted, that then he ſhall, within one Term after he ſhall ſo put himſelf out of the ſaid Society admit himſelf into another of the ſaid Societies. And in caſe any Clerk or Attorney offend againſt this Rule, he is to be put out of the Prothonotary's Book or Roll of Attornies until he give Obedience unto the ſame; and the Prothonotaries and Secondaries, and all other Officers whom it may concern, are required to give Obedience to this Order, and to ſee that the ſame (as to themſelves) be duly obſerved.

And another by the Clerk of the Warrants.

To which Files the Treaſurers and Principals may reſort.

If one admitted puts himſelf out of that Society,

He ſhall within a Year admit himſelf into another.

Prothonotaries, *&c.* to ſee this Rule be duly obſerved.

Tho. Jones.
J. Charlton.
Creſwell Levinz.
T. Street.

DE

De Termino Paſch. Anno Regni Regis Jacobi Secundi primo.

Concerning Attornies ſuffering others to practiſe in their Names.

WHereas every Attorney of this Court, as well by his Oath and by the Duty of his Place, as under divers Penalties by ſeveral Acts of Parliament and former Orders of this Court, being retained to be Attorney for any Perſon or Perſons Demandant or Plaintiff, Tenant or Defendant, in any Action or Suit in this Court, is bound to deliver or cauſe to be delivered, his Warrant of Attorney to the Officer or his Deputy ordained for the Receit and Entry thereof in this Court. And whereas by a Statute made in the 3d Year of the Reign of our Sovereign Lord King *James*, It is enacted, that no Attorney ſhall permit any other to follow any Suit in his Name; and that every Attorney ſo doing ſhall be excluded from being an Attorney for ever thereafter. And whereas by Order of this Court every Attorney of this Court ought to appear in Perſon upon or before the fourteenth Day of *Michaelmas* Term, and upon or before the ſeventh Day of every other Term upon Pain of ten Shillings the firſt Default, twenty Shillings for the ſecond De-

Warrants of Attorney be delivered to the proper Officer.

Attornies perſonal Appearance in Court every Term.

Default, and putting out of the Roll for the third Default, and that the Appearances ſhould be entred with the Clerk of the Warrants, and that the Names of the Defaulters ſhould be delivered to the Court by the Clerk of the Warrants or his Deputy within three Days after the Time required for Appearances. Notwithſtanding all which Laws and Orders through the diſorderly Practice and Negligence of divers Attornies of this Court, eſpecially of the younger ſort for want of their Attendance upon their Office of Attorney here in Court, and permitting others to practiſe in their Names, and neglect to deliver their Warrants of Attorney to be filed and entred of Record, very many great Inconveniencies, Troubles and Errors have been found and ariſen of late Time more than formerly to the Scandal of the Court, and of the honeſt Attornies practiſing therein, and the great Prejudice and Loſs of many of his Majeſty's good Subjects, as well Plaintiffs as Defendants, Demandants and Tenants in their Suits depending in this Court.

Of Defaulters Names to be delivered in.

That thro' neglect of former Orders many Inconveniencies have happened.

To the Scandal of the Court, &c.

For the Remedy of which Miſchiefs and Inconveniencies, and for avoiding of Errors for the Time to come, It is forbidden by the Juſtices of this Court upon Pain of Expulſion from this Court, that no Attorney of this Court permit any one to practice in his Name; and it is farther declared and ordered by this Court, that every Attorney of this Court do from henceforth appear in Perſon within the Times in every the

For Remedy whereof,

That they appear in Perſon, &c. in every Term.

And duly file all Warrants.

the Term before limited and expreſſed under the Penalties before mentioned for their Defaults. And that every Attorney of this Court do file his Warrant of Attorney of the Term wherein any Exigent is awarded, Demurrer or Iſſue joined, or Judgment entred, or which of them ſhall firſt happen upon Pain of forty Shillings for every time he offendeth, and be attainted by the Examination made by the Juſtices of this Court, ſuch Warrant to be filed upon or before the Eſſoin-Day of every *Trinity* Term, and within the Space of one and twenty Days next after the End of every other Term. And that no Officer of this Court do make or ſuffer to be made any Proceſs or Entry in the Name of any Perſon not ſworn an Attorney, nor entred in the Roll of Attornies, or in the Name of any Perſon put out of the Roll of Attornies, either as a Diſcontinuer, or for any Miſdemeanor, or by Rule of Court after Notice thereof given to ſuch Officer by the Clerk of the Warrants of this Court for the Time being, or his Deputy, and for the better effecting the due Obſervance of this preſent Order, It is laſtly ordered, that the Clerk of the Warrants of this Court for the Time being, or his Deputy or the Perſons appointed yearly by the Court to give Information to the Court from Time to Time of Breaches of Orders and Miſcarriages of Officers, Clerks and Attornies in every *Michaelmas* Term or oftner, if required, ſhall and may preſent to the Court from Time to Time the Name

No Proceſs or Entry to be ſuffered in the Name of any Perſon not ſworn an Attorney, or put out of the Roll, *&c.*

After Notice given by the Clerk of the Warrants, *&c.*

Clerk of the Warrants to give Information of Miſcarriages.

Name and Names of every Attorney or Attornies offending againſt this Order. To the Intent that the Court may examine every Attorney complained againſt concerning any of the Matters before rehearſed, and upon attainting any ſuch Attorney upon due Examination had, may inflict ſuch Puniſhment by Fine, Impriſonment or Expulſion, as the Caſe ſhall require, or give Directions for Informations to be exhibited againſt the moſt frequent and notorious Offenders for the greater Penalties mentioned in the Statute thereof made and provided.

That they may be puniſhed, &c.

Tho. Jones
J. Charlton
Creſwell Levinz.
J. Street.

DE

De Termino Sanctæ Trinitatis Anno Regni Regis Jacobi ſecundi primo.

Concerning Sheriffs for making Deputies and returning of Writs.

That every Sheriff ſhall make a Deputy to receive Writs, &c.

IT is ordered, that every Sheriff ſhall make and cauſe to be entred on Record a ſufficient Deputy to receive all manner of Writs and Proceſs under the Pains and Penalties mentioned in the Statute in that Behalf made in the Twenty third Year of the Reign of our late King *Henry* the Sixth, which Law ſhall be duly henceforth put in Execution. And it is farther ordered, that the ſaid Sheriffs or their ſufficient Deputies ſhall give their perſonal Attendance in *Weſtminſter-Hall* daily in the Term-time, that ſo they may with more Convenience diſpatch thoſe Services which appertain to their Offices reſpectively. And that no Sheriff or Sheriff's Deputy ſhall deliver or make, or cauſe or ſuffer to be delivered, or made any Warrant or Warrants before the Writ or Writs be duly ſued forth and delivered to the ſaid Sheriffs or their Deputies reſpectively. Neither ſhall the ſaid Sheriffs

Not to make out any Warrants before the Writ duly ſued forth.

iffs nor their Deputies deliver or cauſe or ſuffer to be belivered any blank Warrants, nor ſhall any Clerk or Attorney of this Court, receive or procure to be made any ſuch Warrants, upon Pain of ſevere Puniſhment and Fine to be impoſed upon the ſaid Sheriffs and their Deputies, and utter Expulſion of the ſaid Clerks or Attornies reſpectively offending in the Premiſſes.

Nor to deliver out any blank Warrants.

Nor any Clerk or Attorney to procure any ſuch. Upon Pain of ſevere Puniſhment, *&c.*

Tho. Jones.
J. Charlton.
Creſwell Levinz.
T. Street.

DE

De Termino Paſch. Anno ſecundo Jacobi ſecundi Regis.

Concerning Clerks of Aſſiſe, and the Lord Chief Juſtice's Aſſociate returning Poſtea's *by a Time limited.*

Inconveniencies happening to Subjects thro' the Clerk of the Aſſizes neglecting to return the *Niſi prius* and *Poſteas* at the Day in Bank.

THE King's Majeſty's Juſtices of this Place, taking Notice that divers of his Majeſty's good Subjects of this Realm of *England*, concerned in Suits depending in this Court, have of late Time been very much delayed, and put to great Trouble and Charge, in Attendance and otherwiſe, by reaſon that the Clerks of Aſſiſe within the reſpective Circuits of this Kingdom, have neglected to make Returns of the Records of *Niſi prius* or *Poſtea*'s in this Court, at the Days in Bank, as the Law requires, and the ancient Uſage hath been; and through Default of the ſaid Clerks of Aſſiſe, the ſaid Juſtices of this Court cannot be legally informed of the Matters acted at the Aſſiſes; which only can appear upon the Return of the *Poſtea*. And therefore are enforced, very often, to defer their giving of Judgment unto further Days, contrary to the good liking of the ſaid Juſtices whereby the People are much prejudiced, and thereof have made many Complaints

And alſo to the Juſtices of the Court, *&c.* in deferring their Judgments.

Complaints to this Court. The ſaid Juſtices being deſirous to prevent the like Inconveniencies for the future, and as much as in them lieth to provide a fit Remedy do order, that every Clerk of Aſſiſe of the reſpective Circuits within this Realm of *England*, and alſo the Aſſociate to the Lord Chief Juſtice of this Court, ſhall make Returns of all *Poſteas* upon all Records iſſuing out of this Court, whereupon any Proceedings have been, by Virtue of any Writ of *Niſi prius*, *Diſtringas*, *Habeas Corpora Jur'*, and ſhall cauſe the ſame to be delivered to the reſpective Prothonotaries of this Court, upon the *quarto die poſt*, of the Return of the Writ of *Niſi prius* in Bank, upon Pain of forfeiting the Sum of twenty Pounds, to be eſtreated into the King's Majeſty's Court of *Exchequer*; and that all Pretence of Excuſe may be taken away, and due Obſervation of this Order may be had and made, It is further ordered by the ſaid Juſtices of this Court, that the reſpective Clerk of Aſſiſe in the reſpective Circuits, and alſo the ſaid Aſſociate in *London* and *Middleſex*, at the Trial of every Cauſe by Record of *Niſi prius* iſſuing out of this Court, ſhall take the Fees due unto them reſpectively, for the Return of every ſuch *Poſtea*.

Ordered, That the reſpective Clerks of Aſſiſes, and the Chief Juſtices Aſſociate, Shall make Returns of all *Poſteas*, &c.

And cauſe them to be delivered to the reſpective Prothonotaries.

Hen. Bedingfield.
T. Street.
Ed. Lutwyche.
John Powell.

De Termino Sanctæ Trinitatis Anno Regni Regis Jacobi ſecundi ſecundo.

Concerning Outlawries.

Upon Complaint of Sir *R. S.* Attorney General of Miſdemeanors about reverſing Outlawries privately, *&c.*

WHereas upon Complaint made unto this Court by Sir *Robert Sawyer*, Kt. his Majeſty's Attorney General, that ſeveral Defendants for not appearing upon the Exigent being returned Outlawed continue in Contempt till after the Death of the Plaintiff, and before ſuch Time as the Executor or Adminiſtrator of the Plaintiff could have Knowledge, or before the Will proved, or Letters of Adminiſtration granted, ſuch Defendants privately without ſpecial Bail, and contrary to ſeveral particular Orders of this Court heretofore in that Behalf made, have reverſed the ſaid Outlawries to the Prejudice of the King's Intereſt, though the Defendants, by reaſon of the Plaintiff's Death, are not leſs in Contempt than before, nor the Outlawry in the leaſt to abate by reaſon thereof. Now for the Prevention of the like Miſchief, It is ordered, that no Outlawry for the future after the Death of the Plaintiff in the Action be reverſed without the Defendant's Appearance and putting in ſpecial Bail (if the Action ſo requires) to the Executor or Adminiſtrator of the Plaintiff or to

Ordered, That no Outlawry after the Plaintiff's Death be reverſed.

to the Husband and Wife in caſe where the Wife, whilſt a *feme ſole* ſued, the Defendant to an Outlawry before Marriage, Provided that the Plaintiff's Attorney to the Writ of Exigent or *Capias Utlagatum* do within fourteen Days after Notice to him given of the Defendant's Intention to reverſe ſuch Outlawry and the Name or Names of the Executor or Adminiſtrator of ſuch Plaintiff or Plaintiffs deceaſed to the proper Prothonotary of this Court. And for the better Execution of the Proceſs of Outlawry to be made and iſſued by and out of this Court, and the Prevention of divers Abuſes by Neglect of the ſame, and for the better regulating of the Reverſal of Outlawries, It is ordered, that upon every Writ of Exigent which ſhall be ſued forth of this Court from and after this Term, if a *Superſedeas* be not put in thereunto, at or before the Day of Appearance thereof, that no *Superſedeas* ſhall by any Sheriff be allowed to any ſuch Writ until the Defendant ſhall have paid unto the Plaintiff or his Attorney, or left in the Court with one of the Prothonotaries thereof the full and juſt Coſts of Suit therein. And that upon reverſing all and every Outlawry the Party Defendant which reverſeth the ſame ſhall before the Reverſal thereof, or any *Superſedeas* made thereunto, give ſpecial Bail, if the Sum of Money or Damages expreſſed in the Original, whereupon the Exigent was awarded, ſhall amount to the Sum of ten Pounds or upward, and pay to the Plaintiff or his Attorney, or leave in the Court for him or them the

Provided the Plaintiff's Attorney within fourteen Days after Notice of Defendant's Intention to reverſe the Outlawry, deliver the Names, *&c.* To the proper Prothonotary, *&c.*

Alſo that if no *Superſedeas* be put in before, *&c.*

That then the Sheriffs ſhall not allow a *Superſedeas* thereunto until, *&c.*

Special Bail where the Sum or Damages in the Original amount to 10 *l.* or upwards.

full and juſt Coſts of Suit to the Exigent as aforeſaid. And where the Plaintiff by Virtue of ſuch Outlawry hath taken an Inquiſition, and extended into the King's Hands the Goods, Chattels, Lands or Tenements of the Outlawed Perſon, and returned the ſame into the *Exchequer*, ſuch further juſt and reaſonable Coſts ſhall then be taxed by the Prothonotary, and likewiſe paid to the Plaintiff or his Attorney, or left in Court for him or them as the Plaintiff hath been at in taking and proſecuting the ſaid Inquiſition before any Certificate of ſuch Reverſal ſhall be made by the Clerk of the Outlawries in that Behalf. And for the Prevention of the great and common Abuſe by Sheriffs Officers and Bailiffs for enlarging of Perſons arreſted upon *Capias Utlagatum* before Judgment without a lawful *Superſedeas* in that Behalf firſt delivered unto him or them, that upon Affidavit thereof made and filed every Perſon offending therein ſhall pay the Sum of Forty Shillings to the Party grieved, who ſhall have an Attachment of Courſe againſt ſuch Sheriff, Officer, Bailiff, or Party offending for Payment of the ſame, and the Party or Parties ſo offending ſhall likewiſe undergo ſuch other Puniſhment as by the Court ſhall be thought fit.

Where further Coſts are to be taxed by the Prothonotary for the Plaintiff's Uſe before any Certificate.

And an Attachment may be had againſt them of courſe for Payment of the ſame, *&c.*

Hen. Bedingfield.
T. Street.
Ed. Lutwyche.
Joh. Powell.

DE

De Termino Sancti Hillarii Anno Regni Domini Jacobi ſecundi Regis ſecundo & tertio.

Concerning filing of Warrants of Attorney.

WHereas by the ancient Practice of this Court it hath been uſed and not only provided by ſeveral Acts of Parliament in that Caſe made under great Penalties, but alſo by ſeveral Orders of this Court purſuant thereunto, that every Attorney as well for the Plaintiff as Defendant in any Action, Suit or Plea in this Court depending ſhould deliver his Warrants of Attorney in every ſuch Action, Suit or Plea wherein he is named Attorney, to be entred and filed on Record with the proper Officer appointed to receive and file the ſame; notwithſtanding which ancient Practice, Statutes and Orders, many Attornies not regarding their Oaths, nor fearing the Penalties in the ſaid Statutes and Orders provided, do neglect to file their Warrants of Attorney, eſpecially upon Iſſues joined and Proceſs to the Outlawry; for Remedy whereof it is further ordered by the Lord Chief Juſtice, and other the Juſtices of this Court, that from henceforth every Plaintiff's Attorney who ſhall proſecute any Cauſe to Iſſue, ſhall upon the Delivery of the Copy of ſuch Iſſue receive of the Defendant's

Eſpecially upon Iſſues joined and Proceſs to the Outlawry.

Ordered, that the Plaintiff's Attorney upon delivering the Copy of the Iſſue, receive the Fee for filing his Warrant, &c.

Attorney the Fee for the filing his Warrant therein, and in caſe the Defendant's Attorney ſhall refuſe to pay the Plaintiff's Attorney for the ſame, that the Plaintiff's Attorney ſhall ſign Judgment in like Caſe, as if the Defendant's Attorney had refuſed to pay for the Copy of the Iſſue or Entry of his Plea, which ſaid Plaintiff's Attorney ſhall file as well the Defendant's as Plaintiff's Warrant of Attorney before the making up his Record therein; and to the End this Order may be the more effectually obſerved, it is further ordered, that the Clerk of the Treaſury for the Time being ſhall not for the future ſign or ſeal any Record of *Niſi prius*, unleſs the ſame be firſt ſigned or ſtamped by the Clerk of the Warrants or his Deputy, to the End it may thereby appear that the Warrants of Attorney are duly filed; and it is likewiſe ordered, that no Exigenter ſhall receive any *Plures Capias* in order to make an Exigent or Proclamation thereon before the ſame be ſigned or ſtamped by the ſaid Clerk of the Warrants or his Deputy, to the End it may likewiſe thereby appear that the Warrants of Attorney therein are duly filed; and for the more eaſie Diſpatch of Buſineſs, It is further ordered, that the Clerk of the Warrants by his Deputy or other Clerk attend at the Treaſury Chamber, where the Records of *Niſi prius* are ſealed, three Weeks after every Iſſuable Term, or ſo long as Records are ſealed without a Judge's Warrant there to receive

No Record of *Niſi prius* to be ſealed, unleſs firſt duly ſigned.

And Clerk of the Warrants to attend where the Records of *Niſi prius* are ſealed.

ceive and take the ſaid Warrants of Attorney,

Hen. Bedingfield.
T. Street.
Ed. Lutwyche.
Joh. Powell.

An Order upon Outlawries tranſcribed into the Court of *Exchequer*.

WHere any Outlawry ſhall be tranſcribed into this Court and Proceſs made out thereupon, and afterwards ſuch Outlawry ſhall be reverſed before any Judgment ſhall be entred for the removing the King's Hands, and the Party Outlawed reſtored to his Poſſeſſion, the Proſecutor of ſuch Outlawry ſhall be paid ſuch Coſts as ſhall be taxed by their Majeſties Remembrancer or his Deputy for the Proceedings in this Court.

Upon Reverſal of an Outlawry tranſcribed into the Court *de Scaccar'*.

Lunæ xiii Maii 1689.

It is this Day ordered by the Court that the Rule abovementioned ſhall be made an

The aforeſaid Rule made an Order of Court, *&c.*

an Order of this Court, and that the ſame ſhall be entred amongſt the Orders and Rules of this Court.

R. Atkins.
Ed. Nevill.
N. Lechmere.
Jo. Turton.

De Termino Sanctæ Trinitatis Anno primo Gulielmi & Mariæ.

Concerning putting in Bail with the proper Filacer.

WHereas very many Miſchiefs and Inconveniencies do ariſe unto the Plaintiffs in Cauſes depending in this Court, whoſe chief Deſign in bringing their Actions is many times to get good Bail thereunto, and thereby to ſecure their Debts, It is ordered, this preſent *Trinity* Term, that the Defendant or their Attornies, who ſhall hereafter put in any Bail to any *Capias ad reſpondend.* or other Filacer's Writ, ſhall duly have Recourſe to the proper Filacer, in whoſe Office ſuch Bail ought to be entred, and ſhall with him or his Clerk either come into this Court, or with him or his Clerk attend one of the Judges thereof to take the ſame; and in caſe any Filacer's Bail ſhall be taken contrary to this Order (except it be taken in the Circuit which if delivered

to

to the proper Filacer by the first Day of the ſucceeding Term, that ſo he may have time to enter it upon Record, ſhall be as good as ſuch as are taken, as is above ordered) this Court will puniſh ſuch Contempt, and in order to make the Attorney for the Defendant vigilant in his Client's Buſineſs this Court doth further declare, that where any Filacers Bail is taken without the proper Filacer it is as no Bail, and the Plaintiff is at Liberty to proceed on the Sheriff's Bond as if no ſuch Bail were ever put in. And that before the Defendant ſhall be admitted to plead to the original Action he ſhall pay full Coſts to the Plaintiff.

If any Filacer's Bail be taken contrary to this Order, except in the Circuit, &c.

The Court will puniſh the Contempt.

And Defendant to pay full Coſts before he pleads to the Original.

Hen. Pollexfen.
Joh. Powell.
Tho. Rokeby.
P. Ventris.

DE

De Termino Sanctæ Trinitatis anno Gulielmi & Mariæ ſecundo.

Concerning Rules for Sheriffs to bring in the Bodies taken upon Filacer's Proceſs.

TO prevent the Miſchiefs and Inconveniencies that may attend the entring and doing Buſineſs in wrong Offices, and the Injury that muſt neceſſarily follow to the proper Officers, it is ordered this preſent Trinity *Term* that all Rules for the Sheriff to bring in the Body of a Priſoner taken upon any Proceſs, which hath or ſhall iſſue, or which ought to iſſue out of the Office of any Filacer be for the future given by the Filacer from whom ſuch Proceſs iſſued, or ought to have iſſued, and by none other whereof the Attornies Clerks, Under-Sheriffs of the ſeveral Counties, and all others, whom it may concern, are to take Notice.

To be given by the Filacer from whom ſuch Proceſs iſſued, *&c.*

Hen. Pollexfen.
Joh. Powell.
Tho. Rokeby.
P. Ventris.

DE

De Termino Sanctæ Trinitatis Anno ſecundo Willielmi & Mariæ Regis & Reginæ Angliæ, &c.

WHereas upon Examination it appears to us that divers Perſons have taken upon them to take Affidavits in the Country (which have been filed and made uſe of in this Court) without being authorized thereunto as the Statute directs. We do therefore for the preventing the like Abuſe for the future, order, that the Secondaries of the ſeveral Offices ſhall not file any Affidavits taken before any Perſon that is not Commiſſioned to do the ſame; and to that End Books of the Names of all ſuch Perſons as are or ſhall be lawfully authorized to take Affidavits in the Country, to be made uſe of in this Court, ſhall be delivered to and kept by the ſaid Secondaries, and that no Affidavit ſhall be read in Court before the ſame be filed.

Concerning Affidavits in the Country taken by Perſons not commiſſioned.

That the Secondaries file no Affidavit unleſs taken by a Commiſſioner.

No Affidavit to be read before it be filed.

Hen. Pollexfen.
John Powell.
Tho. Rokeby.
P. Ventris.

Orders

Orders to be obſerved by Commiſſioners Impowered by Commiſſion, in Purſuance of an Act of Parliament for taking Special Bails in the Country upon Actions and Suits Depending, or to be depending in their Majeſties Court of Common-Pleas at *Weſtminſter*,

That a true Copy of the Writ be on Parchment;

First, It is ordered, that before any Bail be taken by Virtue of the ſaid Act, a True Copy of the Writ on Parchment to which the Defendant is to put in Bail, ſhall be brought to the Commiſſioner before whom ſuch Bail is to be taken; and thereupon the Recognizance or Bail-piece ſhall be fairly drawn and engroſſed on the ſaid Parchment Copy, in this or the like Form as the Caſe ſhall be, *viz.*

and the Bail-piece thereon ingroſſed,

as in this Rule.

A. B. Attorn' pro Defend'.

Manucaptores Johannes Denn de Blackbarneſley in Paroch. de Settle in Com. Ebor. Gen. & Richardus Fenn de eadem Gen.

Pars ipſa in xx *l.*
Uterque M. *in* x *l.*

Capt. & cognit. decimo die Martii Anno Dom. 1692. *de bene eſſe coram me* A. B. *Un' Commiſſionar'.*

If

If the Defendant be not preſent, then the Bail are uſually bound in double the Sum in the Writ, otherwiſe only Single. The Condition of which ſaid Recognizance ſhall be to this Effect, *viz.*

The Condition of the Recognizance.

You (naming the Defendant if preſent) *do acknowledge to owe unto the Plaintiff* xx *l. And you* naming the Bail) *do ſeverally acknowledge to owe unto the ſame Perſon the Sum of* x l. *apiece, to be levied upon your ſeveral Goods and Chattels, Lands and Tenements, upon Condition, that if the Defendant be Condemned in the ſaid Action, he ſhall pay the Condemnation, or render himſelf a Priſoner to the* Fleet *for the ſame; and if he fail ſo to do, You* (naming the Bail) *do undertake to do it for him.*

Affidavit of the due taking.

Secondly, It is ordered, That the Affidavit of the due taking of every ſuch Bail ſhall be made either before ſome Judge of the Common-Pleas to whom the Bail ſhall be tranſmitted; or before ſome Perſon who ſhall have Power to take Affidavits in Matters and Cauſes depending in the ſaid Court.

How to be tranſmitted and when.

Thirdly, It is ordered, That all Bails taken by any Commiſſioner within the Diſtance of forty Miles from the Cities of *London* and *Weſtminſter*, ſhall be tranſmitted to the Lord Chief Juſtice of the Court of Common-Pleas, or to one of the Juſtices of the ſaid Court, within ten Days after the taking thereof; and all Bails taken by any Commiſſioner above the Diſtance of forty Miles from the ſaid Cities of *London* and *Weſtminſter* ſhall be tranſmitted within twenty Days after the taking thereof, unleſs all the ſaid Juſtices ſhall be

be in their Circuits, and then as ſoon as any one of them ſhall be returned to *London* out of his Circuit.

Every Com' to keep an entring Book.

Fourthly, Alſo every Commiſſioner is to have a Book kept purpoſely for entring exactly the Names of the Defendant and his Bail, and of the Plaintiff, as it is in the Bail-piece, and the Time of the taking thereof, and the Name of him by whom ſuch Bail ſhall be tranſmitted.

To which Plaintiff's Attorney may repair to accept or except againſt the Bail, *&c.*

Fifthly, It is further ordered, That the Plaintiff's Attorney ſhall be at Liberty to repair to the Commiſſioners Book for the Names of the Bail, to the End that they may enquire of the Sufficiency of them, and if they are found inſufficient, they may except againſt them within twenty Days after the ſaid Bill is tranſmitted, and Notice to the Plaintiff or his Attorney of the Taking thereof: And in that Caſe the Defendant muſt either put in better Bail, or the Cognizors of ſuch Bail muſt juſtifie themſelves in open Court, either by Affidavit taken before ſuch Commiſſioner that took the ſaid Bail, or by Oath made in Court, or before one of the Judges of the ſaid Court.

Geo. Treby.
Ed. Nevill.
John Powell.
Tho. Rokeby.

Term,

Term. Paſch. 5. Gul. & Mar.

Concerning entring of Iſſues that are join'd.

WHereas upon Complaint made by the Prothonotaries, and the Clerk of the Treaſury of this Court, on Behalf of themſelves and the Under-Clerks of the Treaſury, that many Attornies and Clerks of this Court neglect to enter their Iſſues of the Term wherein they are joined, but many times enter them of ſubſequent Terms, without any Warrant or Authority for the doing thereof, to the apparent Damage and Loſs of the ſaid Clerks in defrauding them of their juſt and due Fees. Now for the Prevention thereof and of many other Inconveniencies and Miſchiefs frequently committed, and hapning by ſuch and the like Neglects, It is ordered by the Lord Chief Juſtice and other his Brethren Juſtices of this Court, that from henceforth all Iſſues be entred of the Term they are joined, and not of any other ſubſequent Term whatſoever, and that the Prothonotaries of this Court ſhall not give any Licence or Authority for the Entry of any ſuch Iſſues, nor ſhall the Clerk of the Eſſoins deliver out any Poſt-Rolls for the doing thereof, nor ſhall the Clerk of the Treaſury permit any ſuch Iſſues to be entred in the Treaſury upon any Account whatſoever. And it is further ordered, that the

Ordered, That all Iſſues be entred of the Term they are joined.

The Prothonotaries, &c. to give no Licence to enter of a ſubſeſquent Term.

the reſpective Prothonotaries of this Court for the future, ſhall not ſign any Records of *Niſi prius* until the ſame or an *Incipitur* thereof be fairly entred upon Record, and the Fees firſt paid for the Entry thereof.

Geo. Treby.
Ed. Nevill.
Joh. Powell.
Tho. Rokeby.

Term. Paſch. 5. Gul. & Mar.

Concerning bringing Rolls into the Clerk of Eſſoins.

WHereas by an ancient Rule of this Court made in the ſixth Year of the Reign of King *James* the Firſt the Rolls of *Trinity*, *Michaelmas* and *Hillary* Terms are to be brought into the Clerk of the Eſſoins by the ſeveral Officers of this Court before the Eſſoin-Day of the Terms following, and the Rolls of *Eaſter* Term, on or before the firſt Day of *Trinity* Term following, and that Officer which doth not bring in his at the Times aforeſaid is to pay to the Clerk of the Eſſoins for every Roll wanting xii *d.* and whereas by a late Act of Parliament entitled, *An Act for the better Diſcovery of Judgments in the Courts at* Weſtminſter, the Clerk

By late Act for better diſcovery of Judgments.

Clerk of the Eſſoins is to make an Alphabetical Dogget of all the Judgments entred in this Court of *Michaelmas* and *Hillary* Terms before the laſt Day of the ſeveral Terms following; and of the Judgments of *Eaſter* and *Trinity* Terms before the laſt Day of *Michaelmas* Term following, under the Penalty of one hundred Pounds. And whereas by reaſon of the late bringing in of the Rolls of late Years contrary to the ſaid Rule of Court, the Clerk of the Eſſoins hath not Time ſufficient to dogget the Judgments by the Time limited in the ſaid Act of Parliament, It is therefore hereby ordered by this Court, that the ſeveral and reſpective Officers of this Court ſhall deliver in all their Rolls of *Trinity*, *Michaelmas* and *Hillary* Terms to the Clerk of the Eſſoins before the Eſſoin-Day of the ſeveral Terms following, and their Rolls of *Eaſter* Term on or before the firſt Day of *Trinity* Term following; and that that Officer which ſhall not bring or ſend in all his Rolls of the ſaid ſeveral Terms at the Times aforeſaid ſhall pay to the Clerk of the Eſſoins for every Roll brought in after xii d. according to the ancient Rule of this Court: And whereas the Plea-Rolls of this Court have not of late Years been brought to the Clerk of the Eſſoins to be bound up at the Time they ought to be; It is hereby likewiſe ordered, that the Plea-Rolls of every Term hereafter ſhall be brought in to the Clerk of the Eſſoins within three Weeks after the End of the Term following; and in Default thereof there ſhall be likewiſe

An Alphabetical Dogget to be made under Penalty of 100 Pounds.

But when Rolls are brought late in, the Clerk hath not time to make ſuch Dogget.

Ordered, How the Officer ſhall deliver the Rolls to the Clerk of the Eſſoins.

And how the Plea-Rolls of every Term ſhall be brought in to the ſaid Clerk.

paid to the Clerk of the Eſſoins for every Plea-Roll brought in after 12 *d.*

Geo. Treby } { *Joh. Powell.*
Ed. Nevill. } { *Tho Rokeby.*

Rules to be obſerved in the Court of *Common Pleas*, in the Proceedings upon Declarations delivered to Priſoners in Cuſtody in Country Goals.

Declaration when to be delivered.

1ſt, THat no Copy of any Declaration ſhall be delivered to a Priſoner in Cuſtody until after the Proceſs, upon which ſuch Priſoner ſhall be taken or charged in Cuſtody be returnable.

Affidavit of the Delivery before Rule to appear and plead.

2dly, That no Rule ſhall be given for the Defendant in Cuſtody, to appear and plead to any Declaration againſt him, until an Affidavit be filed with the proper Secondary of the Delivery of the Copy of ſuch Declaration, and of the Time when, and the Perſon to whom the ſame Copy was delivered; and a Copy of the ſaid Affidavit ſhall be produced to the Prothonotary before Judgment ſigned, together with a Certificate from the proper Officer, that no Appearance is entred with him.

Entry of Appearance, *&c.* upon Delivery of Declaration before *Menſem Paſchæ, &c.*

3dly, If a Copy of the Declaration be delivered, before *Menſem Paſchæ* or *Craſtinum Animarum*, and Affidavit thereof made and filed, and the Defendant doth not enter his Appearance with the proper Officer, within

within ten Days after *Eaſter* or *Michaelmas* Term reſpectively, Judgment may be entred againſt him upon the Certificate as aforeſaid if Rules have been given; but if he doth not enter his Appearance, as aforeſaid, before the End of ten Days after the Term, he ſhall Imparl until the next Term, unleſs the Action be in *London* or *Middleſex*, and the Defendant be in Priſon within forty Miles of the City of *London* and *Weſtminſter*; then though he doth appear before the Expiration of ten Days after the End of the Term, he ſhall plead two Days before the Eſſoin-Day of the next Term, and in Default thereof Rules having been given, Judgment may be entred againſt him, as aforeſaid.

Judgment for want of a Plea.

4thly, If a Copy of the Declaration be delivered on, or after *Menſem Paſchæ* in *Eaſter* Term, or *Craſtinum Animarum* in *Michaelmas* Term or in *Hillary* or *Trinity* Term, and the Plaintiff thereupon ſhall give Rules to appear and plead, if the Defendant enter his Appearance two Days preceding the Eſſoin-Day of the next Term, he ſhall Imparl until the ſaid next Term: But if he doth not appear within that time, Judgment may be entred againſt him, as aforeſaid.

Declaration delivered on or after *Menſem Paſchæ*, &c.

5thly, If the Writ be returnable in one Term, and a Copy of the Declaration be delivered before the Eſſoin-Day of the next Term, the Plaintiff in ſuch next Term may give Rules to appear and plead; and if the Defendant doth not enter his Appearance, and plead by that time that the Rules are out, Judgment may be entred againſt him, as aforeſaid.

Writ returnable one Term, and Declaration delivered before the Eſſoin-Day of the next.

Declaration to be entred or left in the Office and when.

6thly, If the Declaration be not entred or left in the Office before the End of the next Term, after the Writ or Proceſs (by which the Priſoner ſhall be taken or charged in Cuſtody) be returnable, and an Affidavit made and filed in Manner aforeſaid, before the End of twenty Days after ſuch Term (*Eaſter* Term excepted, and within ten Days after *Eaſter* Term) the Priſoner ſhall be diſcharged upon the entring of his Appearance with the proper Officer, by Writ of *Superſedeas* made by him, according to the ancient Practice of this Court.

Attachment againſt Gaoler or Keeper concealing the Declaration.

7thly, If any Goaler or Keeper of Priſon, having received a Copy of a Declaration againſt any Priſoner in his Cuſtody, ſhall ſuppreſs the ſame, or not deliver it forthwith to ſuch Priſoner an Attachment ſhall be iſſued againſt him.

Geo Treby.
Ed. Nevill.
Joh. Powell.
Tho. Rokeby.

Term.

Termino Paſch. Anno ſexto Gulielmi & Mariæ Regis & Reginæ Angliæ, &c.

Lond. & Mid.

Upon Complaint of the Secondaries of the Compters in *Lond.* and Under Sheriff of *Mid.* of Fines paſs'd by Attornies, *&c.* who either cannot or will not give a true account of the Lands and of the Tenants, *&c.*

FOraſmuch as Complaint hath been made unto this Court by the Secondaries of the Compters in *London* and the Under-Sheriff of *Middleſex*, that many Fines have been and daily are paſſed through the ſeveral Offices of this Court wherein Attornies are imploy'd, or their Names uſed as Attornies for the Conuſees of the ſame, who neither do know nor are acquainted with the Parties in the ſaid Fines mentioned, nor cannot or will not give any Accompt where the Lands and Tenements therein contained do lie, or of the Names of the Tenants in Poſſeſſion thereof; and others are paſſed by Attornies of the Court of King's-Bench and Solicitors in the Names of ſome, who, although they be Attornies of this Court, live many Miles diſtant from *London*, and therefore cannot be enquired of touching the Poſt-Fines thereupon growing due unto their Majeſties to be Collected and Received by the ſaid Secondaries and Under-Sheriff, by Means whereof in regard that many Purchaſes

are made in other Perſons Names in truſt for the real Owners of the Eſtates which paſs by the ſaid Fines, and ſometimes of Rents iſſuing out of Houſes, it is very difficult, if not impoſſible for the ſaid Secondaries and Under-Sheriff to find out the Meſſuages, Lands and Tenements whereupon the ſaid Poſt-Fines are to be levied, or out of what Lands and Tenements ſuch Rents do iſſue, or the Perſons who of Right ought to pay the ſame, ſo that many of them are wholly loſt, For Remedy thereof for the future, It is ordered by this Court, that from henceforth no Writ or Writs of Covenant upon any Fine or Fines whatſoever of any Meſſuages, Lands or Tenements, or of Rents iſſuing out of them, lying or being, or which ſhall therein be mentioned to lie or be within the City of *London* and the Liberties thereof, or within the ſaid County of *Middleſex*, or either of them, whether the ſame ſhall be of Meſſuages, Lands or Tenements in the ſaid City and County, or either of them ſingly, or joined, with any other Meſſuages, Lands or Tenements in any other City or County, ſhall be returned by the Clerk for the Return of the ſaid Writs of Covenant of this Court for the Time being, until the Attornies, who ſhall proſecute ſuch Fines, ſhall give a Note or Notes in Writing to the ſaid Clerk, for the Return of the ſaid Writs of Covenant for this Court or his Deputy, as well of the Perſon's Name and Place of Habi-

So that 'tis very difficult to find out the Lands, *&c.* and to collect the Poſt-Fines due to the Crown.

Ordered, That no Writ of Covenant upon any Fine of Lands, *&c.* within the City and Liberties of *London*, or County of *Mid.*

Tho' join'd with Land, *&c.* in any other City or County.

Shall paſs the Return Office until a Note of all Particulars be delivered.

Habitation who is really and properly Attorney to the ſaid Fine or Fines, as of their own Names and Places of Habitation, as alſo of the particular Street, Lane or Place where ſuch Meſſuages, Lands or Tenements, or Rents iſſuing out of the ſame are ſituate; and of the Perſon, or Perſons Name or Names who is, or are in Poſſeſſion of ſuch Meſſuages, Lands or Tenemenss, or who is, or are to pay the Poſt-Fine or Poſt-Fines thereupon due unto their Majeſties. And it is farther ordered, that the preſent Clerk for the Return of the ſaid Writs of Covenant of this Court, or his Deputy, or the Clerk for the Return of the ſaid Writs of Covenant of this Court for the Time being, his Deputy or Clerk; and all Attornies of this Court, and others concerned therein, ſhall and do take Notice from time to time of the due Execution of this Order, and that the ſaid preſent Clerk for the Return of the ſaid Writs of Covenant of this Court or his Deputy or the Clerk for the Return of the ſaid Writs of Covenant of this Court, for the Time being, his Deputy or Clerk, ſhall carefully keep ſuch Notes or Writings on a File, and do upon Application unto him or them made by the ſaid Secondaries and Under-Sheriff of *Middleſex*, or any of them, give unto them or any of them requeſting the ſame from time to time, or ſuffer them to take an Accompt in Writing thereof, according to the Accompts by

And of the Tenants in Poſſeſſion, and who is to pay the Poſt-Fine thereon.

Clerk of the Return-Office and his Deputy to ſee this Order duly executed,

And carefully to keep the Notes,

And to let the Secondaries, Under-Sheriff have a true Accompt thereof.

This Order made a ſtanding Rule of Court.

him or them taken in Purſuance of this Order; and that this Order may be made the more Publick, It is further ordered, that the ſame be made a ſtanding Rule of this Court, and that Copies hereof be affixed and ſet up in the ſeveral Offices belonging to this Court that all Perſons therein concerned may be informed and take Notice thereof.

Per Cur.

Trin. ix Will. Regis.

Rule to prevent Perſons ſuing out Writs of Privilege, &c. who are not Attornies.

WHereas notwithſtanding the ſeveral Orders of this Court made for Prevention of Perſons ſuing out Writs of Privilege, *propium Capias*, and Attachments at their own Suits, as Attornies of this Court, who never were ſworn, or had their Names entred on the Roll of Attornies of this Court, or have diſcontinued, or had their Names put out of the Roll of Attornies remaining with the Clerk of the Warrants of this Court, and yet have proſecuted ſuch Writs, ſo as to free themſelves from Arreſts, or to force Bail where none ought to be given, which Rules and Orders have hitherto proved ineffectual. Therefore for the better preventing the ſaid Abuſes, it is ordered, That no Attorney ſhall for the future ſue forth, or cauſe to be ſued forth in his own Name, or at his own Suit, any Writ of Privilege, Attachment, *propium Capias*, or other Proceſs; and that no Filazer or Exigenter, Clerk, or other Officer or Miniſter of this Court, do ſign or allow any Writ of Privilege, Attachment, *propium Capias*, or other ſuch Proceſs; and that the Green Wax,

Wax, or Keeper of the Seal of this Court, or his Deputy, do not hereafter ſeal any Writ of Privilege, Attachment, *propium Capias*, or other ſuch Proceſs, unleſs the ſame be firſt ſtamped or ſigned by the Clerk of the Warrants of this Court or his Deputy, for which no Fee is to be paid, to the Intent to ſhew that ſuch Perſon is an Attorney of this Court duly entred and continued on the ſaid Roll of Attornies; and that every ſuch Writ or Proceſs being not ſtamped or ſigned, as aforeſaid, by the ſaid Clerk of the Warrants, or his Deputy, ſhall be of no Force to free ſuch Perſon from Arreſts, or to require Bail, or to give any Privilege whatſoever, as an Attorney of this Court.

Per Cur'.

Paſch.

Paſch. xiii W. 3.

ORdinat' eſt quod omne Breve de Certiorari è Cur' hic' Emanan' & Curie Placit' Epiſc' Elien' de futuro dirigend' antequam ſigill' fuerit per unu' Juſticiarior' hujus Cur' cum verbis Inſula Elien' indorſ' ejuſdem brevis ſignabitur ſubter nomen Juſtic' dict'. Et ſi aliquod breve de Certiorari emanabit abſque tali indorſamento manu propria ejuſdem Juſtic' ſuperſcripto non Allocabitur per Judicem Cur' Elien' predict'

How Writs of *Certiorari*, directed to the Court of Pleas of the Biſhop of *Ely* ſhall be ſigned by a Judge of this Court.

Per Cur'.

Ed. Nevill.
John Powell.
Jo. Blencow.

Ter-

Term. Mich. Ann. 4.

WHereas divers Complaints have been made to us, that many Attornies and Clerks of this Court, are not admitted of any of the Inns of Court or Chancery according to ancient Courſe and Uſage by which they might be reſorted to, and Buſineſs of Law better managed to the greater Eaſe of the Queen's Subjects, the Neglect whereof is to the great Detriment and Decay of the Societies of the Law, and divers Inconveniencies do thereupon daily happen, for Prevention whereof, and to eſtabliſh a Remedy for the future,

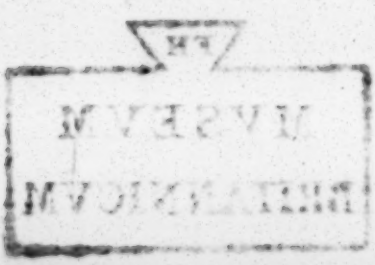
Ordered by the Court, that Attornies, *&c.* ſhall cauſe themſelves to be admitted of ſome Inns of Court, *&c.* and take Chambers if *&c.* or elſe Lodgings in ſome convenient Place near except, *&c.*

It is ordered by this Court that all Attornies and Clerks of this Court not already admitted into one of the Inns of Court or Chancery ſhall procure themſelves to be admitted into one of the ſaid Inns of Court (if thoſe Honourable Societies ſhall pleaſe to admit them) or into one of the Inns of Chancery before the End of *Trinity* Term now next enſuing, and take Chambers there (if conveniently they may be had) elſe that they take Lodgings in ſome convenient Place near the ſaid Inns, and leave Notice in Writing with the Butler or Porter of ſuch Inn whereof they are admitted, where their Lodgings or Habitations are, except ſuch Perſons who are or ſhall be hereafter Inhabitants

bitants or Houſe-keepers in *London*, *Weſtminſter*, *Southwark*, or the Suburbs thereof, and Liberty of the *Tower* of *London* and St. *Katharine* there, and ſuch who are ſworn Attornies of any Courts within the ſaid Cities, Town and Liberties.

That none ſhall be ſworn an Attorney, &c. unleſs ſo admitted, and produces a Certificate to be filed. To which the Treaſurers and Principals may reſort.

And it is further hereby ordered, that for the future no Perſon whatſoever ſhall be ſworn an Attorney, or admitted or entred a Clerk of this Court except the Perſons before excepted) unleſs firſt admitted of one of the Inns aforeſaid, and bring and produce at the Time of his being ſworn an Attorney, or admitted or entred a Clerk, as aforeſaid, a Certificate under the Hand of the Treaſurer or Principal of the Inn whereof he is admitted, which they are reſpectively to give without being paid any Thing for the ſame teſtifying ſuch his Admiſſion; which Certificate every Attorney ſo ſworn ſhall deliver to the Clerk of the Warrants of this Court; and every Clerk of this Court ſo admitted or entred ſhall deliver to the reſpective Prothonotary, of whoſe Office he ſhall be admitted, to be by the ſaid reſpective Officers filed, before the Name of ſuch Attorney ſhall be entred into the Roll of Attornies, or ſuch Clerk admitted or entred, as aforeſaid; unto which File of Certificates the reſpective Treaſurers and Principals of the ſaid Inns of Court and Chancery ſhall or may from time to time reſort, as they ſhall ſee Cauſe, without paying any thing for the ſame.



None to put himſelf out of the firſt Society until admitted in ſome other.

And it is further ordered, that no Attorney already ſworn, or Clerk already admitted or entred, or which hereafter ſhall be ſworn, admitted or entred, and which are or ſhall be admitted into any of the Societies aforeſaid, ſhall put himſelf out of the Society whereof he is or ſhall be admitted, until he be admitted of ſome other of the ſaid Societies, and deliver to the Treaſurer or Principal of ſuch Society whereof he was firſt a Member, a Certificate in Writing ſigned by ſuch Treaſurer or Principal teſtifying his being admitted of ſuch other Society, except ſuch Perſon ſhall totally leave off the Practice of the Law, as an Attorney or Clerk in this Court.

And whereas by the Uſage, Cuſtom or Orders of the Inns of Chancery, the Members thereof were obliged to and did come into Commons and continue therein, according to the Orders of ſuch Society to their great Eaſe in tranſacting their Cauſes one with another, and much Benefit to their Clients; but of late moſt or a great number of the ſaid Attornies and Clerks have neglected to come into Commons, or continue therein according to the reſpective Orders of the ſaid Inns of Chancery to the great Decay and Detriment of thoſe Societies.

Alſo ordered, that the Attornies, &c. ſhall come into and continue in Commons, &c. under a Penalty till Obedience.

It is further ordered, that the Attornies and Clerks, which now are or ſhall be admitted into any of the Inns of Chancery, do and ſhall come into and continue in Commons for the Time or Times, as by the Orders of ſuch Society, whereof they are or ſhall be admitted, is, are, or ſhall be ordered,

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ordered, limited or appointed for them ſo to do, and in caſe any Attorney or Clerk aforeſaid ſhall offend againſt this Rule or any part thereof, ſuch Attorney ſhall be put out of the Roll of Attornies, and ſuch Clerk ſo offending ſhall be diſcharged and diſplaced from ſuch Office, to which he belongs until he or they give Obedience to this Order, and the reſpective Prothonotaries and Clerk of the Warrants of this Court, and all other Officers whom it may concern, are hereby required to give Obedience to this Order, and ſee that the ſame, as to themſelves be duly obſerved.

And for the more effectual and better putting in Execution this Order, and that it may procure the Good hereby deſigned and intended,

The Treaſurers, *&c.* to give a Liſt of ſuch as are not ſo admitted.

It is hereby further ordered, that the reſpective Treaſurers and Principals of the Inns of Chancery, and the Ancient Rulers and Governors of the ſame do and ſhall, from time to time by ſuch Ways and Means as they ſhall ſee fit and convenient, procure and get a Liſt of the Names of ſuch Attornies and Clerks of this Court, who are not admitted of any of the ſaid Inns of Court or Chancery, which Liſt the ſaid Treaſurers and Principals, Ancient Rulers and Governors ſhall yearly in *Mich.* Term deliver unto the Right Honourable the Lord Chief Juſtice of this Court for the Time being, to the Intent the Offenders againſt this Order may be compelled to give Obedience to the ſame.

As alſo a Liſt of ſuch as rudely practice, to the End they may be proceeded againſt &c.

And it is alſo hereby further ordered, that the ſaid Treaſurers, Principals, Ancients, Rulers and Governors in like Manner procure and get a Liſt of the Names of ſuch Perſons as take upon them to practiſe as Attornies or Clerks in this Court, who are neither ſworn Attornies or admitted or entred Clerks in any of the Offices of this Court, which Liſt is to be delivered as above, to the Intent that ſuch Offenders may be proceeded againſt in ſuch Manner as ſhall be thought fit.

Tho. Trevor.
Jo. Blencow.
R. Tracy.

THE

De Termino Sancti Hill. Anno nono Annæ Reginæ.

In Caſe of Tryal at Bar the Plaintiff's Attorney ſhall give timely Notice to the Court of the certain Days ſuch Tryals are to come on.

WHereas Rules for Tryals at the Bar of this Court are uſually granted one or more Terms before ſuch Tryals are appointed to be had; and that the Writs of *Habeas Corpora* for Summoning the Juries for ſuch Trials, are made out upon *Venires* made out returnable in the preceding Term. So that the Attornies for Plaintiffs in ſuch Tryals, have always Opportunities of giving timely Notice to this Court of the certain Days when ſuch Trials are to come on. And foraſmuch as their neglecting to give ſuch Notice is found to be to the Prejudice of other Suiters in this Court. Now for the preventing of any Prejudice or Inconvenience that may happen from ſuch Negligence, It is ordered by this Court, that the Attorney for the Plaintiff in every Cauſe, which in ſuch Caſe ſhall come to be tried at the Bar of this Court, ſhall before the Eſſoin-Day of the Term, in which ſuch Cauſe ſhall be appointed to be tried, give Notice to the chief Prothonotary of this Court or his Secondary, of the Day on which ſuch Cauſe is to be

tried, that the ſame (as is uſual) may be put down in the Court Book provided for that Purpoſe. And in Caſe ſuch Attornies ſhall neglect ſo to do, that then without Motion, and the ſpecial Direction of this Court, ſuch Cauſes ſhall not be tried that Term, any Precedent Rule or Practice to the contrary notwithſtanding.

De Termino Sancti Hill. Anno nono Annæ Reginæ.

For Settling the Time when a Nonpros *may be ſigned for want of a Declaration.*

WHereas divers Diſputes and Controverſies have ariſen in this Court touching *Nonproſſes*, ſigned for want of Declarations, in what Time after the Return of the Writ the ſame may be ſigned, or what Time the Plaintiff has, after the Return thereof, to deliver his Declaration, or of leaving the ſame in the Office before he ſhall be *nonproſt* for Want thereof. Now for the avoiding all ſuch Diſputes, and for reducing the Practice herein to a Certainty, It is ordered by this Court, that upon all Proceſs returnable the firſt or any other Re-

turn in any Term, the Plaintiff ſhall have Liberty to the End of the next enſuing Term to deliver his Declaration to the Defendant's Attorney, or of leaving the ſame in the Office, and the Defendant's Attorney having entred his Appearance with the proper Officer, as of that Term in which the Proceſs is returnable; and at the End of the enſuing Term, or in four Days after the End thereof, having given a Rule to declare in the proper Office, and having called on the Plaintiff's Attorney or Clerk in Court (if he can be found) the Defendant any Time in the Vacation of ſuch enſuing Term, after the Rule for declaring is out, may ſign his *Non-pros* for want of a Declaration, and not afterwards, and the Plaintiff ſhall not without the Leave of the Court have any longer Time to declare in than as aboveſaid, other than the Time to be limited by the Defendant's Rule, any Rule or Practice to the contrary hereof notwithſtanding.

Paſch. ix Annæ Reginæ.

For preventing the Miſchiefs ariſing from Raſures made in the Days and Years of the Captions of Fines.

WHereas by an Act made in the three and twentieth Year of the Reign of Queen *Elizabeth*, It was amongſt other Things enacted, That every Perſon who ſhould at any Time hereafter take the Knowledge of any Fine, and ſhould certify the ſame, that ſuch Perſon ſhould with the Certificate thereof certify alſo the Day and Year when the ſame was knowledged; and that no Perſon who ſhould take any ſuch Knowledge of any Fine ſhould be bounden, or by any Means enforced to certify any ſuch Knowledge, except it were within one Year next after the ſaid Knowledge taken. And that no Clerk or Officer ſhould receive any Writ of Covenant, whereupon any Fine was thereafter to paſs, unleſs the Day of the Knowledge of ſuch Fine ſhould appear in or by ſuch Certificate upon Pain of forfeiting five Pounds. And whereas contrary to the Intent and Meaning of the ſaid Statute, the Days and Years of the Captions of ſeveral Fines have been raſed and altered after the ſame have been acknowledged, and other Days and Years inſerted, and which ſometimes have appeared to be after the Deaths of

of the Conuſers in ſuch Fines, by Reaſon whereof ſeveral Diſputes have ariſen, great Delays have been had in the paſſing ſuch Fines, and that ſeveral Fines have been vacated thereupon. Now for the preventing the like Miſchiefs and Inconveniencies for the Time to come, It is ordered by the Juſtices of this Court, that for the future no Fine whatſoever taken and acknowledged before any Commiſſioners, by Virtue or Colour of any Special *Dedimus poteſtatem* to them directed, do paſs the Queen's Silver Office, and the Queen's Silver of ſuch Fine, be recorded, unleſs Oath be made before the Lord Chief Juſtice, or ſome other Juſtice of this Court, of the due Execution of the ſaid Fine, and alſo of the Day and Year when each Conuſer ſees executed the ſame, where a Raſure in the Day or Year ſhall appear in the Caption thereof; and that no Fine ſo acknowledged before ſuch Commiſſioners in Caſe of ſuch Raſure, be received and entred by the Clerk of the Queen's Silver of this Court, before there be an *Allocatur* reciting the Day and Year of each particular Conuſer's Acknowledgment, under the Hand of the ſaid Lord Chief Juſtice, or ſome other Juſtice of this Court for the paſſing of the ſaid Fine firſt had and obtained. And it is further ordered, that no Fine whatſoever taken and acknowledged before the ſaid Lord Chief Juſtice, or any Judge of Aſſize, or Sergeant at Law, if the Date of the Caption of ſuch Fine ſhall appear to have been raſed, do for the future paſs the Queen's Silver Office, and the Queen's Silver of ſuch

Fine, be recorded by the ſaid Clerk of the Queen's Silver, before there be an Order under the Hand of the ſaid Lord Chief Juſtice, or ſome other Juſtice of this Court, for his paſſing and entring ſuch Fine firſt had and obtained. And it is likewiſe order'd, that after any Fine whatſoever ſhall have paſſed the ſaid Queen's Silver Office, and the Queen's Silver of ſuch Fine, be recorded, that neither the Precipe or Caption of any ſuch Fine or Writ of *Dedimus poteſtatem*, or Writ of Covenant, by which any ſuch Fine be paſſed, ſhall be raſed or altered before there be an Order under the Hand of the ſaid Lord Chief Juſtice, or ſome other Juſtice of this Court, for the doing thereof, and for the amending of all Entries made from ſuch Writ or Writs firſt had and obtained.

Per Cur'.

T. Trevor.
J. Blencowe.
R. Tracy.
R. Dormer.

DE

De Termino Sancti Hill. Anno nono Annæ Reginæ.

For Settling the Practice in Relation to Proſecutions on Bail-Bonds.

WHereas ſeveral Motions have been made in this Court againſt the undue Proſecutions had upon Bail-Bonds, in having the ſame put in Suit before the Defendants could have a reaſonable Time of putting in Bail in the original Actions; and the Time for putting the ſaid Bonds in Suit not appearing to be fixt and limited, whereby the Practice of the Court in that Caſe is become doubtful and uncertain. Now for the Information of all Practiſers touching the ſame, this Court doth think fit, and ſo order, that no Bail-Bond taken in *London* or *Middleſex*, and by Virtue of any Proceſs iſſuing out of this Court, ſhall be put in Suit till after four Days excluſive of the Appearance-Day of every Return, upon which the ſaid Proceſs ſhall be returnable, and that no Bail-Bond taken in any other City or County by Virtue of ſuch Proceſs, ſhall be put in Suit till af-

ter Eight Days excluſive of the Appearance-Day of any ſuch Return, upon Pain of having all Proceedings made upon ſuch Bail-Bonds to the contrary thereof, upon Motion made to this Court for that Purpoſe, ſet aſide with Coſts.

De Termino Sanctæ Trinitatis Anno ſecundo Georgii Regis.

In Com. Banco. WHEREAS in divers Actions and Suits commenced in this Court, the Plaintiff many Times in Pleading concludes *ad patriam*, and the Defendant not being obliged to join Iſſue, nor demur till a four Days Rule is expired, Plaintiffs are thereby greatly delayed in trying their Cauſes; for the Prevention of which for the future it is ordered: That in all Caſes where the Plaintiff concludes *ad patriam*, the Defendant's Attorney or Clerk in Court, ſhall be bound to accept of Notice of Trial upon the Back of ſuch Pleading, whether the ſame be delivered to the Defendant's Attorney or Agent, or left in the proper Office, where the ſame may be left by the Courſe of the Court. And ſuch Notice of Trial ſo given or left as aforeſaid, ſhall be as good and effectual as if Iſſue had been actually joined.

P. King.
Jo. Blencowe.
R. Tracy.
Robert Dormer.

De

De Termino Sancti Mich. Anno quinto Georgii Regis.

IT is ordered this Term by the Court, that no Countermand of Trial at the Aſſizes ſhall be good, unleſs Notice be given two Days before the Commiſſion-Day.

N. B. No Countermand to be given on a *Sunday*.

Hill. ſexto Georgii Regis.

In Com. Banco. WHereas by a Rule of this Court made in *Trinity* Term, in the ſecond Year of the Reign of his Majeſty King *George*, it was ordered, That in all Caſes where the Plaintiff concludes *ad patriam*, the Defendant's Attorney or Clerk in Court, ſhall be bound to accept of Notice of Trial upon the Back of the Pleading, whether the ſame be delivered to the Defendant's Attorney or Agent, or left in the proper Office, where the ſame may be left by the the Courſe of the Court: And ſuch Notice of Trial ſo given or left as aforeſaid, ſhall be as good and effectual as if Iſſue had been actually joined. And whereas it appears, That notwithſtanding the ſaid Rule, the Plaintiffs in divers Actions and Suits commenced

menced in this Court are delayed, for that the Defendants Attornies are not obliged to take the like Notice of executing Writs of Enquiry: It is therefore hereby ordered, That in every Cauſe where the Plaintiff concludes *ad patriam*, and giveth Notice of Trial on the Back of his Pleading, purſuant to the ſaid Rule; if the Defendant doth not join Iſſue on ſuch Pleading before the Rule be out, that in every ſuch Caſe after Judgment obtained, the Defendant's Attorney ſhall be obliged to accept Notice of executing a Writ of Enquiry, from the Time that Notice of Trial was given on the Back of ſuch Pleading as aboveſaid.

P. King.
Jo. Blencowe.
R. Tracy.
Robert Dormer.

Hill. ſexto Georgii Regis.

In Com. Banco. WHereas there have been great Neglects in entring Appearances for Defendants, and in entring Special Bail upon Record; it is hereby ordered for preventing the ſame: That all Rules and Orders of this Court heretofore made, relating to the Premiſſes, ſhall from henceforth be punctually obſerved, and the Pains and Penalties therein contained ſhall be inflicted on Offenders: And for the farther enforcing the ſaid good Rules and Orders already

ready made, it is hereby farther ordered, That from and after the laſt Day of this preſent *Hillary* Term, every Attorney of this Court accepting or ſubſcribing any Warrants to appear for any Defendant, to any Writ iſſuing out of this Court, ſhall within four Days after the Appearance Day, to the Return of every ſuch Writ in *London* and *Middleſex*, and within eight Days after the Appearance Day in every Writ, in any other County, enter the Appearance of ſuch Defendant with the proper Officer: And if any Attorney accepting any Warrant to appear, or ſubſcribing any Proceſs or Warrant to appear, do not enter ſuch Appearance within the Time aforeſaid, he ſhall for ſuch Offence be liable to an Attachment, and ſhall not be diſcharged therefrom till he hath paid full Coſts to the Plaintiff, for the Proſecution on ſuch Attachment; and the Defendant when he appears ſhall be compelled to plead, as of the Time when he ſhould have pleaded, if his Appearance had been duly entred. And it is likewiſe further ordered, That all Bails taken by Commiſſioners, purſuant to the Act of Parliament for taking Special Bails in the Countrey, ſhall be tranſmitted to the Lord Chief Juſtice, or to one of the Juſtices of this Court, *viz.* every Bail taken within forty Miles of *London*, within ten Days after the Caption thereof, and every Bail taken above forty Miles from *London*, within twen- Days after the Caption thereof; unleſs all the Juſtices ſhall be in their Circuits; and then as ſoon as any one of them ſhall be returned to *London*, out of his Circuit, being the Time preſcribed by the Orders of this Court, to be ob-

obſerved by the Commiſſioners; and after ſuch Tranſmiſſion ſhall be forthwith delivered to, and filed with the proper Officer, to be entred upon a Record, or otherwiſe it ſhall be as no Bail; and the Plaintiff is at Liberty to proceed on the Sheriff's Bond, as if no ſuch Bail were ever put in; and the Defendant, in Caſe he be admiſſable to plead to the Original Action, ſhall not be admitted ſo to do, unleſs he firſt pay the full Coſts to the Plaintiff for the Proſecution on the Bail Bond; and plead as of the Time when the Bail ſhould have been duly entred.

P. King.
Jo. Blencowe.
R. Tracy.
Robert Dormer.

De Termino Sancti Hillarii Anno Octavo Georgii Regis.

Sheriffs, &c. *to make due Return of any Proceſs*, &c.

WHereas great Delays have been occaſioned to the Suitors of this Court, by reaſon that Sheriffs, Under-Sheriffs, and their Deputies, Bailiffs, Coroners, Bailiffs of Liberties, and other Officers and Perſons having Return of Proceſs iſſuing out of this Court,

Court, do not in due Time make a Return of ſuch Proceſs, or of the Warrant or Precept thereupon, by which Means great Expences are occaſioned, and Plaintiffs delayed in their Recovery of their juſt Debts; for the Prevention therefore of the like Delays for the future, it is ordered by this Court, That from and after the laſt Day of this preſent *Hillary* Term, that if any Sheriff, Under-Sheriff, or any of the Officers or Perſons above-named, or any Officer or Perſon, having the Return of any Proceſs iſſuing out of this Court, or of any Precept or Warrant thereupon, ſhall neglect or refuſe to return the ſame within ſix Days next after Service of a Rule of this Court for that Purpoſe, ſuch Sheriff, Under-Sheriff, and every other of the above-named Officers or Perſons ſhall be liable to pay the Coſts occaſioned by ſuch Neglect, to be taxed, any Rule or Order of this Court to the contrary notwithſtanding.

In ſix Days after Service of a Rule of Court,

If not, to pay Coſts.

P. King.
Jo. Blencowe.
R. Tracy.
Robert Dormer.

Notice is hereby given to the Attornies and Practiſers in the Court of Common Pleas at *Weſtminſter*, that the Right Honourable Sir *Peter King*, Kt. Lord Chief Juſtice of the ſame Court, hath ordered, that no *Recipiaturs* ſhall be allowed to be entred

The *Recipiaturs* be entred, unleſs the Record of *Niſi prius* be brought into Court before the Sittings.

entred for the Sittings of *Niſi prius* after every Term, unleſs the Records of *Niſi prius* and Writs be made up and brought into Court on or before the Days and Sittings reſpectively.

Robert Maidſtone, Dep. Cl. Theſ.

De Termino Paſchæ octavo Georgii Regis.

Rules to be obſerved for diſcharging Priſoners out of the Fleet, &c.

Priſoner diſcharged if Defendant proceed not in three Terms after Declaration.

WHereas many Doubts have ariſen on the Rules for diſcharging Priſoners committed to the *Fleet-Priſon*, County and other Goals, and for diſcharging Perſons rendring themſelves, or being rendred to the *Fleet-Priſon* in Diſcharge of their Bail (by Vertue of Proceſs of this Court) by *Superſedeas* for want of Proſecution; for Remedy whereof, it is ordered by the Court, That if any Plaintiff ſhall declare againſt any Defendant in Cuſtody, of the Warden of the *Fleet*, or of any Sheriff, or other Officer, by

by Vertue of any Proceſs of this Court, and ſhall not further proceed to Judgment within three Terms after ſuch Declararation delivered, incluſive of the Term in which the Declaration ſhall be delivered, the Defendant having appeared. Or if any Plaintiff having obtained Judgment in this Court in any Action againſt any Defendant a Priſoner, as aforeſaid, and ſhall not charge ſuch Defendant ſo remaining a Priſoner, in Execution upon the Judgment ſo obtained, within two Terms next after ſuch Judgment ſo had and obtained, including the Term in which the ſaid Judgment ſhall be ſigned, or within two Terms now next enſuing upon Judgment already had, then ſuch Defendant ſo remaining in Priſon may be diſcharged out of Cuſtody, where he ſhall be ſo detained by *Superſedeas*, to be allowed by one of the Juſtices of this Court, if Cauſe ſhall not be ſhewn by the Plaintiff or his Attorney, why ſuch Plaintiff had not proceeded before that Time to Judgment and Execution, as aforeſaid, upon Notice to either of them given by the Defendant's Attorney or Agent, and Oath made of ſuch Notice given. And if any Defendant hath, or ſhall render him or her ſelf to be rendred to the *Fleet Priſon*, in Diſcharge of his or her Bail at the Suit of any Plaintiff, where no further Proceedings by Declaration has been had againſt ſuch Defendant ſo rendred before ſuch Render, unleſs the Plaintiff ſhall declare againſt ſuch Defendant within two Terms after ſuch Render, and where any Declaration hath been delivered againſt ſuch Perſons ſo rendring

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Or Defendant render himſelf to diſcharge his Bail *ut ſupra*.

dring him or her ſelf, or being rendred, or Judgment has been had againſt him or her before ſuch Render, unleſs the Plaintiff ſhall proceed to Judgment upon ſuch Declaration delivered within three Terms after ſuch Render, (the Defendant having appeared) and charge ſuch Defendant in Execution within two Terms after ſuch Judgment obtained, ſuch Defendant may be diſcharged out of Cuſtody, by *Superſedeas*, to be allowed by one of the Juſtices of this Court, if Cauſe ſhall not be ſhewn to the contrary, as aforeſaid, by the Plaintiff, or his Attorney, upon Notice to either of them, given by the Defendant's Attorney or Agent, and Oath made of ſuch Notice given.

P. King.
Jo. Blencowe.
R. Tracy.
Robert Dormer.

THE

THE TABLE.

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Stat. 12. George 2. Chap. 29.

Common Pleas Term Mich. 12 George 2. Regis

To Establish the practice of ye Court upon the late Act of Parliam^t for preventing frauds & Vexations Arrests

It is Ordered by ye Court & after ye last day of this present Term in all Causes where a Copy of the process of ye Court is served upon any Deft or Defend^ts & an Appearance is entered for such Deft or Defend^ts by ye Pl^ffs Attorney pursuant to ye said Act ye Pl^ffs Attorney in such Case shall leave a Copy of ye Declar^n in ye office & likewise give notice thereof to ye Deft^s Attorney by Delivering an Imperfect Bill of Particulars to the Secretary Grand to such Deft or Defts if by reason of ye same at ye last or next Term after such Deft or Defts Appearance such Deft or Defts Inquiring ye nature of ye Action & cause of his suit it is prosecuted & in whose office such Declaration is Left & y^t in case of Special Writs returnable the first returne of Hill: & Trinity Terms & ye first or 2 returns in Easter & Michas Terms such

AN

Deft^a or Defend^ts should take notice y^t unless such Deft^a or Defend^ts plead to such Action within 4 Days after ye appearance Day if the return of such Writt be a Comon Capias or any other Speciall Writt within ye first 4 Days of ye next Term Judgment will be entred against such Defendant or Defend^ts by Default And from ye time of giving such Notice as aforesaid such Declaration shall be Deemed well Delivered to such Deft^a or Defend^ts and not otherwise.

And in case such Deft^a or Deft^s after such notice given do not plead by ye time the Rules for pleading are out, the Pl^ff in such Case may sign his Judgment (a rule to plead being first given) without any other or further Calling for a Plea whereupon give notice of Executing the result of Inquiry either by delivering Notice in writing to such Deft^a or Deft^s or by leaving the same at ye last or most usual place of abode of such Deft^a or Deft^s which shall be a sufficient Notice to such Deft^a and Deft^s of ye time of Executing such Writt of Inquiry.

And it is further Ordered y^t from and after the last day of this present Term the Rule made ye last Hilary Term to Establish the Practice of Proceedings upon the said late Act of Parliament shall be discharged.

By the Court

J. Cowper

Whereas

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The THIRD EDITION, with Additions.

LONDON,

Printed for J. WALTHOE, in the *Middle-Temple* Cloyſters. MDCC XXIV.

147. Mich. 2 Geo 2 Comon Pleas.

Whereas Complaint hath been made unto this Court of many unreasonable practices in regard to Declarations in Ejectment &c. & delivered to the Secondaries of this Court in Order to have rule to plead. for Remedy whereof It is Ordered by the Court y.t from & after y.e 1.st day of February in this present Term the Declaration in Ejectment shall be taken in or received by any of the Secondaries of y.e Court unless such declaration or declarations be Signed by some Serjeant at Law and delivered by himself to one of the Secondaries in open Court & it is further Ordered that the Secondaries shall in the morning no.t after y.e end of every Term & at all other times when required produce and show to any person or persons who shall demand y.e same their alphabetical papers of Ejectments moved or delivered into Court in each Term in manner afores.d

R. Eyre.
Rob. Price
Alex.r Denton
J. Fortescue cl.

Mich.s Geo.rgii Secundi Regis

It is Ordered that upon all process Sued out of this Court returnable y.e 1.st or 2.d Return of any Term if y.e Def.t dwelleth in London or Middlesex and the Def.t lives within four days after such declaration delivered without any Imparlance and such declaration may be delivered de Bene Esse and in Case the Declaration in any Cause any Def.t lives above twenty Miles from London the Def.t shall plead within eight days after the Declaration delivered without any Imparlance & in Default of pleading as aforesaid y.e Pl.tff may Sign his Judgment.

R. Eyre Alex.r Denton
Ro: Price J. Fortescue cl.

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ORDO

ORDO CURIÆ:

OR,

ORDERS

Of the Court of *Chancery.*

Veneris 30 die Junii, Anno Regni *Caroli* Regis primo. 1625.

Concerning Subpœna's Ad audiendum Judicium.



HEREAS the Right Honourable the Lord Keeper being inform'd of ſundry Abuſes, in the untimely and diſorderly ſetting down of the Cauſes of Hearing in this Court, and the obtaining of Subpœna's *Ad audiendum Judicium* thereupon, whereby ancient Cauſes were ſtopt back from hearing, and other Cauſes thruſt in, to the prejudice of the other Clyents, and ſcandal to the Court, the ſix Clerk towards the ſaid Cauſes never being made acquainted therewith. For reformation whereof, the then Lord Keeper did Order and Require, That hereafter it ſhould be carefully obſer-

ved, that no Subpœna ſhould be made *Ad audiendum Judicium*, for any Cauſe of hearing whatſoever, before the Clerk that makes the ſame Writ have a Note under the Hand of the ſix Clerk that is Attorney, and under the Hand of the Regiſter; and in their abſence under the Hand of their ſufficient known Deputies, to warrant the ſame: And if any ſuch Clerk ſhould after preſume to offend therein, then the ſaid Clerk was to ſtand committed for his wilful contempt. Foraſmuch as the Right Honourable the Lord Keeper was this day informed by the ſaid ſix Clerk, that of late the ſaid Order had been neglected in divers Subpœnas *Ad audiendum Judicium*, which had been made without any ſuch notice from them or their Deputies, in contempt of the ſaid Order. It is therefore now ordered by his Lordſhip, That the Clerk of the Subpœna Office, having notice hereof, ſhall hereafter obſerve and perform the ſaid former Order, his Lordſhip minding to have the ſame put in Execution in all points.

Anno Regni *Caroli* Regis primo. Ter. Hill. 1625.

Touching Examiners.

FOraſmuch as Complaint hath been often made by the Examiners of this Court, how that after Depoſitions of Witneſſes have been taken before them, between parties, Plaintiffs and Defendants, and otherwiſe, one of the ſaid parties, Plaintiff or Defendant, after publication have taken out the Copy of the Depoſitions for his own part only, and then afterwards, the ſame party which hath ſo taken out Copies, delivering the ſame to his Sollicitor or Agent, to the end they ſhould abbreviate or keep the ſame, the ſaid Solicitors or Agents by mutual practice and combination with the adverſe party

party in the Suit, his Clerk, Solicitor or Agent, without the conſent or privity of the ſaid party who took out the ſaid Copies, hath for Money, or other rewards, either given or ſuffered other Copies to be made and delivered to the adverſe party, his Solicitor or Agent, without the Examiners knowledge, by reaſon whereof the Examiners have been often times defrauded of the ſaid ſecond Copies, and of the fruits of their own Labours, to the abuſe of this Court, and to the prejudice of the Examiners; who, beſides the ſaid Diſinheriſon of the due Fees, do alſo incur a ſcandalous imputation for the writing, by reaſon the Copies ſo ſurreptitiouſly made, are for the moſt part, very ill and looſely written, which are commonly ſuppoſed to be taken out of the Examiners Office. It is therefore ordered by the Right Honourable the Maſter of the Rolls, That if at any time hereafter it ſhall probably appear unto the ſaid Examiner, or either of them, that any undue Copies ſhall be made as is aforeſaid, the Examiner who findeth himſelf ſo abuſed, may if he will, take out Subpœnas againſt one, two, or any three ſuch Perſons as he ſhall ſuſpect to have deceived him, for the examination of ſuch miſdoers, upon Interrogatories in that behalf to be executed before the other Examiner, and firſt allowed of by a Maſter of the Court, touching the point of the Fraud and Abuſe in delivering out any ſuch unlawful Copies as are before mentioned. And if upon conſideration had of the Anſwers of the ſaid parties ſuſpected, unto ſaid Interrogatories, it ſhall appear unto the ſaid Maſter of this Court, who allowed of the Articles, and be ſo certified by him, that the ſaid parties are faulty in making or procuring ſuch undue Copies, to the prejudice of the Examiner, That then every ſuch perſon ſo found offending, ſhall for ſuch his Miſdemeanor be committed to the Priſon of the *Fleet*, from whence he ſhall not be diſcharged till he hath ſatisfied the

Examiner for the ſaid undue Copies. Provided, That if the parties drawn in queſtion ſhall acquit themſelves, upon their Examination, that then the Examiner, who called them in by ſuch Proceſs, ſhall pay ſuch Coſts for unjuſt Vexation, as the Court ſhall think meet.

Mercurii 10 Decembris, Anno Regni *Caroli* Regis Quarto. 1628.

Concerning References of inſufficient Anſwers.

IT is Ordered by the Right Honourable the Lord Keeper, in reſpect of the great expence of time, and many delays uſed, upon References of inſufficient Anſwers to the Maſters of this Court, That if hereafter upon any Reference of inſufficient Anſwers made to any Maſter of this Court, a Report be not thereupon procured and filed in the Regiſter within one Month at the fartheſt, after the date of ſuch Reference, that the ſame Reference ſhall ſtand abſolutely void, by this general Order, without any Motion or ſpecial Order to be obtained in that behalf.

Martis 22 die Decembris, Anno Regni *Caroli* Regis Quinto. 1629.

Of Priviledge.

THE Right Honourable the Lord Keeper taking notice of the great Abuſe that hath been lately offered to the Dignity of this Court, in the frequent granting of Priviledge, unto ſuch as no ways have any dependance upon the Court, but only under colour that they are or have been Servants to ſome of the Maſters, Miniſters, and Officers of the Court, which heretofore had not uſually been admitted, but to ſuch

ſuch as have been menial Servants unto ſuch Miniſters and Officers. For prevention of which Abuſe, his Lordſhip doth Order, That from henceforth no Writ of Priviledge ſhall be granted to any Perſon whatſoever, but only unto ſuch as are Miniſters, Officers, and known Clerks of the Court, and ſhall be ſo certified by the Maſter of the Office where ſuch Clerks write, and to ſuch others as ſhall firſt make Affidavit, that they are menial Servants unto ſome one of the Maſters, Miniſters, or Officers of the Court, and ſuch Writ of Priviledge to continue in force no longer unto ſuch Servants, than they ſhall continue menial Servants: And before any Writ of Privilege ſhall paſs the Seal, except it be for a Miniſter, Officer, or known Clerk of the Court, It is ordered, that it be firſt preſented unto, and ſigned by the Lord Chancellor or Lord Keeper for the time being; and where any Writ of Priviledge ſhall be preſented to his Lordſhip to be ſigned for any ſuch menial Servants, as aforeſaid, the Affidavit ſo to be by him made, is to be annexed to the Writ it ſelf. And it is laſtly Ordered, That no Writ of Priviledge do iſſue for any menial Servant, until ſuch time as his Writ of Priviledge hath been firſt allowed of by his Lordſhip, as aforeſaid.

Sabbati 23 Jan. Anno Regni *Caroli* Regis Quinto. 1629.

Concerning Regiſtring of Affidavits.

THE Right Honourable the Lord Keeper of the Great Seal of *England*, and the Maſter of the Rolls, having this Day taken into their ſerious Conſideration the preſent ſtate of the Office of Regiſtring Affidavits in this Court, and the neceſſary uſe thereof, and obſerving upon what juſt and honourable grounds the ſame was firſt Inſtituted and Erected, by our late

Sovereign Lord King *James*, of Bleſſed Memory, for preventing the embezilling and falſifying of Affidavits, whereby the Court have been often abuſed, the courſe of Juſtice interrupted, and the Suitor apparently wronged, or unduly prejudiced; and finding withal, That notwithſtanding the ſaid late King's expreſs Commandment, by Letters Patents under the Great Seal of *England*, and ſince revived by his Majeſty that now is, by like Letters Patents, dated the 18*th* of *December* laſt, for prohibiting the making or entring any Order, Attachment, Commiſſion, or other Proceſs or Proceedings of the Court, grounded upon an Affidavit, except ſuch as properly belong to the Supplicavit Office, till the Affidavit were firſt Filed and Regiſtred in the Affidavit Office. And notwithſtanding ſpecial Orders of the Court heretofore made to that purpoſe, and by Directions both publickly and upon private Petitions given, for due Obſervation thereof, yet the ſame hath been of late years ſo much neglected, as it is now found neceſſary for the Honour of the Court, the good of the Suitor, and the righting of the Officer, to give reformation thereunto. It is therefore, upon due conſideration of the Premiſſes, Ordered by their Honours, That all Affidavits of this Court, except thoſe only which belong to the Supplicavit Office, ſhall before the ſame be exhibited in Court or otherwiſe produced, to ground any Orders, Writs, Proceſs, or Proceedings of Court thereupon, be brought into the ſaid Office for Regiſtring Affidavits, and be there duly Filed and Regiſtred; and that no Copy of Affidavit be made or ſubſcribed but by the ſworn Regiſter of Affidavits, or his Deputy for the time being, and that no Councel at Law, nor any of the ſix Clerks or other Clerks or Officers of this Court, nor any Solicitors of Cauſes there depending, ſhall from henceforth offer to read or give in Evidence to the Court, any Affidavit that is not firſt Filed and Regiſtred in the ſaid Affidavit Office

ſice, and atteſtation thereof given by a Copy under that Officer's Hand or his Deputy: And that neither the ſix Clerk, nor any of the Curſitors, nor the Regiſter of the Court, their Clerks or Deputies, do make, paſs, or enter any Orders for Attachments, Commiſſions of *Dedimus poteſtatem*, or other Commiſſions, Writs, Proceſſes, or Proceedings, grounded upon an Affidavit, unleſs the ſaid Affidavit be firſt Filed and Regiſtred in the Affidavit Office, as aforeſaid. And that all Clerks of the Court and Solicitors of Cauſes there, do before the laſt Day of this *Hilary*-Term, bring in all ſuch Original Affidavits as are remaining in their Hands into the ſaid Office, and cauſe them to be duly Filed and Regiſtred at their Perils. All which Particulars their Honours do ſtraightly charge and require to be from henceforth duly obſerved, that his Majeſty's expreſs Commandment therein be not contemned or neglected.

Tho. Coventry, C. S.
Jul. Cæſar.

Veneris 7 die Martii, Anno Regni *Caroli* Regis Quinto. 1629.

Concerning Commiſſions for Examination of Witneſſes.

WHereas Complaint hath been made unto me, by the Examiners of this Court, that divers Commiſſions *Ad Examinand' Teſtes*, have iſſued under my Name, which have been executed in or near *London*, in ſuch ſecret manner, that the Examiners have not been able to get timely notice for ſuppreſſing of the ſame. Foraſmuch as I find by the ancient Conſtitutions and Ordinances of the Court, that no Commiſſion *Ad Examinand' Teſtes* ought to be granted, but for Age, Impotency, and remote diſtance of Place. And by the general and approved Practice of the Court, all Examinations of Witneſſes in or near *London*,

don, have been taken by the Examiners in their Office, and not by Commiſſion, unleſs by ſtealth, as aforeſaid, or by ſpecial Order of Court. And becauſe the iſſuing and executing of ſuch Commiſſions, contrary to the ſaid Order and Uſage of the Court, is a great wrong and diſcredit to the Examiners, and their place, who with their Clerks do give daily attendance at the Rolls, as well in Vacation as Term-time, for the more ſpeedy diſpatch of ſuch Witneſſes as are to be examined in or near *London*, upon Cauſes depending in *Chancery*; and for the parties to decline the ſworn Officers of the Court, conſtituted for that purpoſe, without any juſt exception againſt them, giveth cauſe to ſuſpect the ſame to be done for ſiniſter purpoſes (Examinations taken in Court being always eſteemed better and more indifferent there taken, than by Commiſſion.) I have thought fit, for preventing the ſaid Wrong and Abuſe for the time to come, hereby to declare and make known, That I do therefore Order and Require the ſix Clerks and ſuch their Clerks and under-Clerks, who do write Commiſſions, to forbear to make, or cauſe to be executed in or near *London*, any Commiſſion *Ad examinandum Teſtes*, in or under my Name; and if any ſuch Commiſſion ſhall be hereafter made in my Name, I do hereby likewiſe declare, That I will both diſavow the ſame as Irregular and contrary to Order, and do reſolve to queſtion them for doing thereof. All which I have the rather been moved to declare and make known, out of the indifferent and equal reſpect I bear to all parties, and my care and deſire that each Officer under me ſhould contain themſelves within their own proper Bounds, without incroaching the one upon the other, that ſo I may preſerve and leave things in the ſame ſtate and order wherein I found them, without innovation or alteration. At the *Rolls* this 7th of *March*, 1629.

Jul. Ceſar.

Jovis

Jovis 17 die Novembris, Anno Regni *Caroli* Regis ſeptimo. 1631.

Touching Contempts.

THE Right Honourable the Lord Keeper finding much inconvenience and prejudice to fall upon divers of his Majeſties Subjects, who are Suitors in this Court, by the undue proceedings of ſuch who ſue out the Proceſs of the Court upon Contempts, the ſame oftentimes running out to a Commiſſion of Rebellion, or to a Serjeant at Arms, before the party againſt whom the Proceſs made out hath had notice of the precedent Proceſs iſſued forth againſt him, which is occaſioned by reaſon the ſaid Proceſſes are oftentimes made unto a County where the Party is not reſident, and when it is made into the right County, by reaſon of an unuſual neglect and want of endeavour in the Proſecutor to get the ſame executed, the Sheriff returneth a *Non eſt inventus*, or a *Proclamari feci*, and ſometimes that Return made by others in the Sheriff's name, in an ordinary Courſe. His Lordſhip therefore, to remedy ſuch Inconvenience and Abuſe hereafter, and to prevent the vexation of the Subject in this kind, doth think fit, and Order, That all Proceſs hereafter to be made upon any Contempt, be made out into the proper County where the party againſt whom the ſame Proceſs iſſueth, ſhall be reſident or dwelling, unleſs he ſhall be then in or about *London*, in which caſe it may be directed into the County where he ſhall then be, that it may be ſerved upon him there; and that every Suitor who proſecuteth Proceſs of Contempt againſt any of his Majeſties Subjects, ſhall do his beſt endeavour to procure the ſaid Proceſs to be duly executed, and the ſuppoſed Contemners to be apprehended thereby; and if any be hereafter arreſted upon a Proclamation or Commiſſion of Rebellion, or by the Serjeant

Serjeant at Arms, and ſhall make it appear unto the Court by proof, that the Proſecutor of thoſe Proceſſes hath not done his beſt endeavour to have had the firſt and precedent Proceſs duly executed, as by the Order is required, then the party ſo offending ſhall pay unto the other party grieved, very good Coſts for his wrongful vexation, contrary to the direction of this Order. And his Lordſhip doth alſo Order, That notice be given thereof to the Officers and Clerks of the Court, that ſo their Clyent may have knowledge thereof, that the ſame may be obſerved accordingly.

Jovis 28 die Februarii, Anno Regni *Caroli* Regis Octavo, 1632.

Concerning Affidavits.

WHereas the Right Honourable the Lord Keeper of the Great Seal of *England*, and the Maſter of the Rolls, have by an Order of this Court, dated the 23d day of *January*, in the Fifth Year of his Majeſty's Reign, Ordered and ſtraightly charged and required, That all Affidavits of this Court, except thoſe only which belong to the Supplicavit Office, ſhould before the ſame be exhibited in Court, or otherwiſe produced, to ground any Order, Writs, Proceſs, or Proceedings of Court thereupon, be brought into the Office of Regiſtring Affidavits, and be there duly Filed and Regiſtred, and that no Copy of Affidavits be made or ſubſcribed, but by the ſworn Regiſter of Affidavits, or his Deputy for the time being, and that no Counſellor at Law, nor any of the ſix Clerks, or other Clerks or Officers of this Court, nor any Solicitor of Cauſes there depending, ſhould from thenceforth offer to read or give in Evidence to the Court, any Affidavit that is not firſt Filed and Regiſtred in the ſaid Affidavit Office, and atteſtation thereof given by a Copy under that Officer's Hand, or his Deputy; and

and that neither the ſix Clerk, nor any of the Curſitors, nor the Regiſter of this Court, their Clerks or Deputies, do make, paſs, or enter any Order for Attachments, Commiſſions, Writs, Proceſs or Proceedings, grounded upon any Affidavits, unleſs the ſaid Affidavit be firſt Filed and Regiſtred in the Affidavit Office, as aforeſaid; and that all Clerks of the Court, Solicitors of Cauſes there, ſhould by the end of *Hillary*-Term then next following, bring into the ſaid Office all ſuch Original Affidavits as ſhould remain in their Hands, and cauſe the ſame to be there duly Filed and Regiſtred at their Peril. All which notwithſtanding, many Original Affidavits have not been brought into, nor Filed in the ſaid Office, as in and by the ſaid Order was required; but contrariwiſe, many Affidavits have ſince been read and uſed in Court, and Orders and Proceedings have been thereupon made, drawn up and entred, before the ſaid Affidavits have been Filed and Regiſtred in the ſaid Affidavit Office. And whereas alſo many Affidavits have been and are brought into the Regiſter of the Affidavit Office by the parties themſelves, whoſe Cauſe the ſame concerneth, and by others for many Weeks, Months, and ſome Years after the ſame Affidavits ſworn, with ſundry Interlineations, ſometimes in another Hand, oftentimes a Line or two ſtruck out, uſually blotted or altered in one place or another, not without apparent ſuſpicion of being corrupted and falſified, after the Maſter of this Court his Hand put thereunto, or uſe made thereof, upon Motion in Court or Orders or Proceſs thereupon grounded. Now upon due conſideration had by their Honours of the Premiſſes, It is this preſent day Ordered, and by their Honours ſtrictly given in charge and commanded, That the ſaid Order of the 23d of *January*, in the ſaid fifth year of his Majeſty's Reign, ſhall be henceforth, both at the Court at *Weſtminſter*, at the Seals and at the Rolls, by the Officers of this Court, and all others whom the ſame

ſame doth or may concern, duly obſerved and kept, at the perils of ſuch as in contempt of this Honourable Court, ſhall preſume wilfully or negligently to decline or not obſerve the ſame. And further it is ordered by their Honours, That neither the Regiſter of this Court, his Clerk or Deputies, ſhall, or do at any time hereafter, draw up, ſign or ſet his or their Hand or Hands unto any Order whatſoever, grounded upon an Affidavit, unleſs the Affidavit be firſt Filed and Regiſtred with the Regiſter of the Affidavits, and atteſtation thereof brought and ſhewed to the ſaid Regiſter of this Court, his Clerk and Deputies, under the Hands of the ſaid Regiſter of the ſaid Affidavits, or his Deputy attending in the ſaid Office. And it is further Ordered by their Honours, That no Maſter of this Court ſhall accept of or take the Oath of any perſon to an Affidavit, except the ſame be fairly and handſomely writ in one hand, without blotting or interlining: and in caſe any Affidavit ſhall eſcape the ſaid Maſter of this Court, and paſs ſo blotted and interlined, under their or any of their Hands, It is further Ordered, That the Regiſter of Affidavits or his Deputy ſhall thereupon refuſe the ſame, and that afterwards no uſe ſhall be thereof made in any of the proceedings of this Court. And laſtly, It is wiſhed and directed by their Honours, That all Affidavits taken, or henceforth to be taken before any Maſter of this Court, be brought unto the ſaid Regiſter of the Affidavits, or his Deputy for the time being, to be there Filed and Regiſtred, in ſome due and convenient time after the ſame be ſworn unto, and before uſe be made thereof in Court, as well to prevent the vexation and trouble of his Majeſty's Subjects, in coming ſo often to enquire for ſuch Affidavits, before they come unto the ſaid Office, as alſo that the parties againſt whom the ſaid Affidavits be made, may have time by their Council to inform this Court of any juſt Cauſe of Exception they may have to alledge againſt the ſame. And

to

to the end that none may have any excuſe of being ignorant hereof, It is laſtly commanded, That this Order being fairly written, ſhall be ſet up in Tables, and ſo ſhall remain in the ſeveral Offices of the Regiſter of the Six Clerks, and of the ſaid Affidavits.

Tho. Coventry. C. S.
Jul. Cæſar.

Lunæ 16 die Novembris, Anno Regni *Caroli* Regis undecimo. 1635.

Concerning the Amending of Letters Patents.

WHereas a Petition was lately exhibited to his Majeſty, by Sir *Kenelm Digby* Knight, the Tenor of which Petition and the Anſwer thereunto followeth in theſe Words:

To the King's moſt Excellent Majeſty.

The Humble Petition of your Majeſty's Servant, Sir *Kenelm Digby*, Knight,

Humbly ſheweth,

THAT whereas your Majeſty was graciouſly pleaſed to beſtow upon him certain Lands Eſcheated to your Majeſty, by the Death of John Calverly, *Eſq; without Heir, part of which Lands lye in the County of* Kent, *and were ſo mentioned in the Office found to intitle your Majeſty, and in the Bill Signed with your Royal Hand for paſſing thereof to your Petitioner; but at the Signet-Office, by the miſtake of the Clerk taking the Letter* L *for a* K, *are mentioned to lye in* Com. Kank. *and by that Error are ſo mentioned, both at the Privy Seal, and Great Seal, and the Inrolling thereof, which your Petitioner cannot have amended, without your Majeſty's ſpecial Warrant.*

Your

Your Petitioner therefore moſt humbly beſeecheth your Majeſty to be graciouſly pleaſed to give a Warrant, that they may be amended, and made agreeable to the Bill Signed, and the Patent after the Amendment thereof new Sealed, as in ſuch Caſes is uſual.

And your Petitioner ſhall daily pray, *&c.*

At the Court at *Salisbury* the 9th of *Auguſt* 1635.

HIS Majeſty's Pleaſure is, That theſe Miſtakings be Amended and made agreeable to the Bill Signed; and the Patent, after the Amendment thereof, new Sealed, as in ſuch Caſes is uſual; and as here is deſired.

John Coke.

In conformity to which his Majeſty's Pleaſure, the Right Honourable the Lord Keeper having ſeen as well the ſaid Letters Patents, as the Privy Seal whereupon the ſame did paſs, remaining in this Court; and having alſo ſeen the Original Bill ſigned under his Majeſty's Hand, and the Tranſcript thereof which paſſed the Signet, and finding the Information in the ſaid Petition to be very juſt and true, and having adviſed thereof with his Majeſty's Attorney General, hath Ordered, That the Privy Seal remaining in this Court, and the Inrolment thereof be amended, and that the Seal be pulled from the Letters Patents, and the ſame Patent amended and new Sealed, according to his Majeſty's good Pleaſure. And this Order, grounded upon his Majeſty's Direction, ſhall be a ſufficient Warrant to the Clerk and other Officers of the Court to whom it appertaineth for the doing thereof.

Tho. Coventry, C. S.
Jo. Bancks.

Martis

Martis 5 die Januarii, Anno Regni *Caroli* Regis undecimo. 1635.

For Under Clerks being allowed Parchment for Ingroſſing Decrees, &c.

THE Right Honourable the Maſter of the Rolls having taken conſideration of the Oath Adminiſtred unto the Under Clerks in the Six Clerks Office, whereby they are ſworn not to carry, nor conſent that any other may carry forth of the Houſe called the Six Clerks Office, any Bill, Anſwer, Commiſſion, Decrees, Diſmiſſions, Bills ſigned, Privy Seal, or any other Record whatſoever, which ought to be there remaining, except by ſpecial Order of the Court: And being alſo advertiſed, That their Under-Clerks have uſed and ought to have from the Uſher of this Court, Parchment for Ingroſſing of Decrees and Diſmiſſions, which are to be Inrolled, which cannot be well proportioned unto them, without ſight of the ſaid Decrees and Diſmiſſions, that the Parchment may be allowed and delivered unto them, proportionable to the length of the ſaid Decrees and Diſmiſſions; It is therefore this preſent day Ordered by his Honour, That it ſhall be lawful from henceforth for any of the ſaid Under-Clerks in the Six Clerks Office, to bring over from the Office into the Chappel of the Rolls any Decree or Diſmiſſion, after the ſame ſhall be ſo ſigned, to be ſeen by the Uſher of this Court, or his Deputy only for that purpoſe, that he or they may ſee what Parchment is fit to be allowed for the Inrolling thereof, and to no other intent or purpoſe; which being done, the ſame are by the ſaid Under-Clerks to be ſafely returned into the Office whence the ſame was ſo taken out as aforeſaid, without ſuffering the ſame to paſs out of their own Hands.

Jul. Cæſar.

Mer-

Mercurii 15 die Junii, Anno Regni *Caroli* Regis Duodecimo. 1636.

By Reaſon of the Plague.

THE Right Honourable the Lord Keeper having taken into his Conſideration the Danger of the increaſing of the Infection of the Plague, by the aſſembling of much People together at this time, doth therefore this preſent day Order, That all unneceſſary reſort unto his Lordſhip's Houſe, by the Officers and Clerks of this Court, and others be forborn, both at General Seals and at other times, and that all Patents, Commiſſions, and Writs, whereof an Entry is to be made in the Comptrollment Book, ſhall be brought to the Riding Clerk or his Deputy, before they be Sealed, who are then to take ſuch particular notice thereof in Writing, that when the ſame ſhall be Sealed, a perfect Entry thereof may be made in the Comptrollment Book, whereby a due account may be given to his Majeſty, and otherwiſe, as is and hath been uſed; and after ſuch Notes ſhall be taken as aforeſaid, and the Hand of the Riding Clerk or his Deputy put to the ſaid Patents, Commiſſions and Writs, then the Riding Clerk or his Deputy is to ſend the ſame to be Sealed, at ſuch time and places as his Lordſhip ſhall appoint for that purpoſe; and after the ſaid Patents, Commiſſions and Writs ſhall be Sealed, the ſame are to be taken from the Seal by the Clerk of the Hannaper or his Deputy; and then the Officers and Clerks who writ and prepared the ſaid ſeveral Buſineſſes for the Great Seal, are to receive them from the Hands of the Clerk of the Hannaper or his Deputy, as formerly they have done, and for all other Writs and Seals that are in Farm, the ſame Writs are to be delivered at the Subpœna Office to the Farmers thereof, or their Deputies, who are to that purpoſe there to attend to receive the Writs, and cauſe

cauſe them to be carried to the Seal, and to be brought back unto them when they are Sealed, and then the ſame Writs are likewiſe to be fetched from them by the Officers and Clerks who writ and prepared the ſame Writs for the Seal, as is uſual, which Courſe before directed and ordered, is to be obſerved by all thoſe whom it ſhall concern, until his Lordſhip ſhall ſignifie his pleaſure to the contrary.

Tho. Coventry, C. S.

Jovis 3 die Martii, Anno Regni *Caroli* Regis undecimo. 1636.

Touching Differences between the Six Clerks and the Examiners.

WHereas the Examiners of this Court have lately Petitioned the Right Honourable the Lord Keeper, thereby deſiring to be righted againſt the Six Clerks of this Court in ſundry Particulars pretended by the Examiners to be by the Six Clerks encroached upon the Rights of the Examiners Places, as namely touching the Returning, Copying, Keeping and Filing of all Examinations and Depoſitions taken as well by Commiſſion as in Court, and touching the Six Clerks exemplifying of Examinations taken in Court by looſe Copies, and the Examiners claim to write to the Great Seal for the making of their own and their Clerks Attachments of Privilege and other Writs; and alſo that no Commiſſion to examine Witneſſes ſhould be executed in or within 20 Miles of *London* without ſpecial Order from the Court; and this day being appointed by his Lordſhip for the hearing and ſettling of the difference; and his Lordſhip together with the Right Honourable the Maſter of the Rolls, being now attended by both parties and their Council Learned on both ſides, and the matter being long debated, the Examiners to maintain their claim to the ſaid Particu-

lars, did produce a Copy of an Ordinance alledged to be made in this Court in 36 *Hen.* 8. and a Letter written by Mr. *Thomas Poule* about thirty years ſince, he being then a Six Clerk of this Court, to Mr. *Robinſon* then one of the Examiners, and likewiſe produced another Ordinance of the 5*th. Car. Regis*, made by the now Maſter of the Rolls, and by way of Preſident, divers Orders made for ſuppreſſing and ſuperceding ſuch Commiſſions executed or endeavoured to be executed in or near *London*; and on the contrary, the Six Clerks did now produce by way of Preſident, divers Commiſſions, ſome from the beginning of the time of King *Hen.* 6. and many ſince from King *Henry* the 8*th*'s time, which have been executed in and near *London* without exception, and as was alledged, returned into their Offices, and there copied, kept and filed, and juſtified their Exemplifying of Examinations taken in Court as properly belonging to them only, none but them alone, as they pretend, having authority to write ſuch Writs as aforeſaid unto the Great Seal: And as for the ſaid Ordinance pretended to be made in 36 *Hen.* 8. Mr. Attorney General of Council with the Six Clerks alledged, that the ſame Ordinances make not againſt the Six Clerks, nor do they limit any certain diſtance of place from this Court for Execution of Commiſſions, nor are they binding; beſides, the ſaid Ordinances are not authentical, but conceived by the Six Clerks to be ſuſpicious and entred into the Book of 36 *Hen.* 8. of late time by one *Bayliff* without Warrant in a torn Leaf in the very laſt Page of that Book, and that they ſeemed to be of a much newer hand-writing than the reſt of the Book. Whereupon his Lordſhip declared that it is material to find out the Authority of the ſaid Ordinances, and when and by whom the ſame was entred into the Regiſter, whether of late time by the ſaid *Bayliff*, as is pretended by the Six Clerks or no; which if they were ſo lately entred, the ſame is fit to be expunged out of the Regiſter, and there-

therefore his Lordſhip doth Order, That the Maſter of the Rolls be attended by both parties herein, who is deſired to Examine and find out the truth thereof, and upon his Honour's Certificate, further Directions ſhall be given therein: And as for the ſeveral Orders and Preſidents produced by each party as aforeſaid, foraſmuch as neither party had ſeen the others Preſidents, nor knew not upon what either ſide would inſiſt, ſo that the parties were not at preſent provided to give anſwer whereupon his Lordſhip might ground a reſolution; It is ordered, that each party ſhall permit and ſuffer each other to have a ſight of the Orders and Preſidents produced by either party, unto which either ſide may take what Exceptions they think fit; and in caſe it ſhall fall out to be neceſſary for any to be examined upon Oath for clearing of any doubt, his Lordſhip upon knowledge, and conſidering the neceſſity thereof, will give further Order therein. And thereupon and upon a further hearing thereof, his Lordſhip will finally determine and ſettle the differences between the ſaid Officers.

Veneris 25 die Novembris Anno Regni *Caroli* Regis Duodecimo. 1636.

Concerning Hearing of Cauſes.

WHereas by reaſon of the late Infection, the Cauſes appointed and ſet down for *Michaelmas* Term could not then be heard, his Lordſhip taking the ſame into conſideration, and deſiring to give as much Expedition to thoſe Cauſes as the Seaſon will permit, and his Lordſhip ſhall be able; hath thought fit, and doth hereby order, that the Cauſes formerly ſet down in *Michaelmas* Term, ſhall now, according to their then Order, and in their due places continue ranked for *Hillary* Term. And whereas there were only four Cauſes appointed for every day, his Lordſhip doth pro-

poſe (God willing) though it may prove the more labour and trouble unto his Lordſhip, to hear Six Cauſes; to which purpoſe his Lordſhip doth alſo order that ſix Cauſes of thoſe already ſet down, be ſet down for every day, and that the Regiſter enter this Order, and make a Book of Cauſes accordingly, and give notice to the ſix Clerks and their Clerks, that they or their Clients, if they intend to have their Cauſes heard, do ſue out and ſerve Proceſs *Ad audiendum Judicium*, as is accuſtomed in the like caſe againſt the days now appointed. And for ſuch Cauſes as ſhall remain unſet down, his Lordſhip doth propoſe, God willing, to ſet down thoſe in the firſt place for *Eaſter* Term next.

Lunæ 30 die Januarii Anno Regni Regis *Caroli* Duodecimo. 1636.

Privilege allowed to a Clerk that ſtood ſuſpended.

WHereas *George Mynn*, Eſq; Clerk of the Hannaper in the High Court of *Chancery*, by Sentence and Decree in the High Court of *Star-Chamber* was, and yet ſtandeth ſuſpended from the Execution of the ſaid Office: Now foraſmuch as it hath been certified to the Right Honourable the Lord Keeper, by the Right Honourable the Lord *Cottington* Chancellor of the *Exchequer*, and Maſter of the Court of Wards and Liveries, that it is his Majeſty's Gracious Pleaſure, that the ſaid *George Mynn*, notwithſtanding the ſaid Sentence and Suſpenſion aforeſaid, ſhall have and receive the benefit of his Priviledge in the ſaid High Court of *Chancery*, in as full and ample manner as he had enjoyed the ſame before the ſaid Sentence of Suſpenſion, as by the ſaid Certificate under the hand of the Lord *Cottington*, filed with the Regiſter of this Court appeareth; and foraſmuch as the ſaid *George Mynn* though ſuſpended as aforeſaid, is and remaineth ſtill an Officer of this Court: It is therefore Ordered by the

the Right Honourable the Lord Keeper, that the Officers, Clerks and Miniſters of the ſaid Court of *Chancery*, do from henceforth take notice of his Majeſty's Gracious Pleaſure, and do permit and ſuffer the ſaid *George Mynn* to have, take and ſue forth the Proceſs and Writs of the ſaid Court of *Chancery*, and to have and enjoy his Priviledges and Preheminence of the ſaid Court in ſuch ample manner as the ſaid *George Mynn* had (and of right ought to have had before the ſaid Sentence of Suſpenſion) and in ſuch ſort as they themſelves the ſaid Officers, Clerks and Miniſters of *Chancery*, or any of them, do now hold and enjoy the ſame.

Martis 24 die Junii Anno Regni *Caroli* Regis 13*tio*. 1637.

Fees of the Affidavit Office.

WHereas *William Robinſon*, and *John Robinſon*, Regiſters of Affidavits in this Honourable Court, have been Suitors to have the Fees belonging to them in reſpect of the ſaid Office of Affidavits reduced into a Table to be Signed and hung up in the Affidavit Office, alledging that ſuch a Table was heretofore made and ſigned by the late Lord Chancellor *Eleſmore*, and Sir *Julius Cæſar*, Knight, late Maſter of the Rolls, but the ſame Table hath been miſſing for divers years paſt; and albeit by ſpecial direction of this Court diligent ſearch and enquiry hath been made for the finding out the ſaid Table for the ſpace of a Year and more laſt paſt, yet the ſame can in no wiſe be found or produced: Whereupon by further Order and Direction of this Court Interrogatories have been exhibited, and divers ancient Clerks and Practicers of this Court have been examined to diſcover and find out the due Fees belonging to the ſaid Office, and contained in the ſaid Table of Fees, ſigned and ſubſcribed by the ſaid late Lord Chancellor and Ma-

ſter of the Rolls; which Depoſitions the Right Honourable *Thomas* Lord *Coventry*, Lord Keeper, *&c.* and Sir *Dudley Diggs*, Knight, Maſter of the Rolls, having ſeriouſly peruſed and adviſed of, and well weighing how needful it is that the Fees of the ſaid Office ſhould be certainly known, as well that the Subject may know what to pay, as the Officer be directed what he ought to receive or take: It is therefore this preſent Day by the ſaid Lord Keeper, with the Advice and Aſſiſtance of the ſaid now Maſter of the Rolls, Ordered, declared, and decreed, that the Fees hereafter mentioned, are the due Fees belonging to the ſaid Office, and ſo ſhall be eſteemed and taken hereafter; and the Regiſter or Regiſters of Affidavits of this Court for the time being, and their Deputy and Deputies ſucceſſively from henceforth ſhall and may receive and take the ſeveral Fees hereafter mentioned, and none other, that is to ſay, for Filing every Affidavit 4 *d.* for Regiſtring of every Affidavit 4 *d.* the ſide, for the Copy of every Affidavit 4 *d.* the ſide, for the Regiſter or his Deputy's hand to every Copy of an Affidavit 12 *d.* for every Certificate with the Regiſter's hand or his Deputy's hand to it 12 *d.* And it is Ordered, that a Table of the particular Fees before expreſſed ſhall be fairly written and Signed by the ſaid Lord Keeper and Maſter of the Rolls, and then hung up in the ſaid Office, to the end that all Suitors may certainly know what they ought to pay for the Filing, Regiſtring, Copying, Signing or certifying of any Affidavit. Provided always, that if the ſaid Table ſubſcribed by the ſaid late Lord Chancellor and the then Maſter of the Rolls, ſhall be hereafter found; and if thereby, or by any other due proof it ſhall be made appear that the Fees allowed by the late Lord Chancellor and Maſter of the Rolls, did in any thing vary from the Fees thereby allowed, then this Court will take ſuch further conſideration and order for reducing the Fees herein limited

limited to the former rule or proportion, as ſhall be meet.

Tho. Coventry, C. S.
Dud. Diggs.

Sabbati 4 die Novembris Anno Regni *Caroli* Regis 13*tio*. 1637.

Diviſion of Buſineſs of the Six Clerks Office, according to the Letters of the Alphabet.

WHereas the Six Clerks of this Court according to the power and liberty by the King's Majeſty in that behalf given to them, have with the allowance and approbation of the Right Honourable the Lord Keeper, divided and diſpoſed the Pleadings and Buſineſſes of their ſeveral Offices according to the Letters of the Alphabet, and in that manner do now exerciſe and continue the doing thereof; which allowance and approbation was only temporary, until upon trial the Convenience or Inconvenience ſhould appear therein. And now lately ſome complaints having been made by the Under-Clerks touching the ſaid courſe, which the Lord Keeper and Maſter of the Rolls do intend to take into their conſideration with all poſſible ſpeed. And whereas by the Death of Mr. *Cæſar*, lately one of the ſaid Six Clerks, and in that no other Six Clerk is yet ſworn or admitted into his place, the buſineſs of the ſaid Office may ſuffer much by delay and want of overſight thereof during the Vacancy of an Officer in the ſaid place; his Lordſhip and the Maſter of the Rolls being informed thereof, and taking the ſame into their conſideration, and having care to prevent delay to the Client in his ordinary proceeding, and for the better furtherance and diſpatch of the buſineſs of the ſaid Office, have thought fit, and do hereby order and appoint without prejudice to any thing which may be ſaid for or againſt the ſaid Diviſion by Alphabet, that

for and during the Vacancy of a ſworn Officer in Mr. *Cæſar*'s ſaid place, *Francis Heath* who was Deputy under Mr. *Cæſar* when he lived, and is ſtill a Clerk in the ſaid Office, ſhall and may, in and for the ſaid Office, and according to the Diviſion aforeſaid, Sign and File all Bills, Anſwers and other Pleadings, and Sign all Copies, Decrees and Diſmiſſions, and Certificates, and in his own Name during the ſaid Vacancy, ſhall give, receive, and enter all kind of uſual Rules and Bills of Coſts, and paſs all Writs and regular Orders, and diſpatch all other buſineſs and proceedings which ſhall happen or ought to be done within or for the ſaid Office, according to the Diviſion aforeſaid, and receive the due Fees for the ſame ſeveral ſervices in ſuch manner and form as the ſaid Maſter *Cæſar* himſelf ſhould, might or ought to have done if he he had lived, and that all ſuch buſineſs and proceedings being by the ſaid *Francis Heath* ſo done and expedited as aforeſaid, ſhall ſtand and be firm to all intents and purpoſes, as if the ſame had been done by Mr. *Cæſar* himſelf living, or by any Officer ſworn in his ſaid place ſince his deceaſe: Provided that this Temporary and Proviſional Order be not in any thing prejudicial to any benefit, profit or power of the Maſter of the Rolls, but be uſed only for the neceſſary diſpatch of the Subjects buſineſs, until a more ſettled courſe may be taken therein.

Tho. Coventry.
Dud. Diggs.

Martis 7 die Novembris, Anno Regni *Caroli* Regis 13. Inter *Hugonem ap Richard Lewis*, & al' quer' *William Owen* & al' Defendants. 1637.

Touching Examination of Witneſſes.

WHereas in this cauſe ſome Queſtions did ariſe touching the courſe of the Court; whether any

any new Interrogatories might be exhibited to new Witneſſes in Court, after a joint Commiſſion executed in the Cauſe; and the Maſter of the Rolls having heard what the Six Clerks and Examiners could ſay touching the ſame. And the Six Clerks affirming, that by the courſe of the Court no new Interrogatories may be exhibited in Court after a joint Commiſſion executed in the Country. And the Examiners averring that it hath always been the conſtant courſe of the Court, that new Interrogatories may be exhibited in courſe for the Examination of any new Witneſſes, as often as the Client had occaſion till publication, what Commiſſions ſoever there had been in the cauſe, and that the Right Honourable the Lord Keeper had ſo declared himſelf at the publiſhing of the late Ordinances when this very point was urged by the Six Clerks; the Maſter of the Rolls did this day declare in Court that he hath peruſed the Orders of this Court, and the late Ordinances made by the Right Honourable the Lord Keeper, and doth not find any thing therein to reſtrain the Exhibition of new Interrogatories into Court at any time before publication for examination of new Witneſſes. And that he having had conference with the Lord Keeper for his opinion therein, his Lordſhip was clear of opinion that new Interrogatories may be exhibited into Court for Examination of new Witneſſes at any time before publication, although there had been joint Commiſſions formerly executed in the Cauſe; and therefore this Court doth now declare the ſame to be the courſe of the Court herein, and doth order that the Order of reference to Sir *John Mitchill* for ſuppreſſing ſuch Depoſitions taken in this Cauſe be diſcharged, and a Vacat entred thereupon.

Privil' per Examin'.

Lunæ

Lunæ 18 die Junii Anno Regni *Caroli* Regis 14. 1638.

Concerning the Clerks of the Inrollments.

WHereas by the Letters Patents of Incorporation of the Clerks of Inrollments 16 *Eliz.* it was ordained for the prevention of many abuſes, that one of thoſe Clerks, or at leaſt one of their Deputies ſhould always attend the acknowledging, vacating or cancelling of all Deeds and Recognizances, which as appeareth by the Rules of the Court, ſucceeding Chancellors have ordered, as alſo that all Deeds and Recognizances ſhould within few days after the acknowledgment be Inrolled and duly brought over to the Chappel of the Rolls; foraſmuch as after many Commandments and Intimations given by me for the performance thereof, there is yet continually ſo great a neglect, that no Clerk of the Inrollments, nor any of their Deputies do at any time attend that ſervice; I have thought fit to order, and do hereby order and require the Clerks of Inrollments to reform this Error, and either cauſe their Deputies to wait more diligently, or elſe to change them, according to the Power given them by thoſe Letters Patents; and becauſe the Records which heretofore were duly brought over to the Chappel of the Rolls once in ſix Months, are now divers years detained in the hands of Under-clerks, I do Order and require the Clerks of the Inrollments immediately to take order that all the Inrollments of 11 & 12 *Car.* or before, be brought this enſuing long Vacation into the Chappel of the Rolls, according to the ancient manner, there to be Filed and Calendred for the ſervice of his Majeſty, and the uſe of his Subjects.

Martis

Martis 9 die Junii Anno Regni *Caroli* Regis 14. 1638.

Concerning Transferring of Records.

THE Maſter of the Rolls in the Examination of a Cauſe depending in this Court betwixt *Matthew Brookesby*, Eſq; Plaintiff, and *Tho. Maſon*, Clerk, and other Defendants, having diſcovered ſome Irregularitiies in the transferring of Records from one Attorney to another in the Six Clerks Office, by the Underclerks, whereby divers inconveniencies and prejudices have and may hereafter come to the Client by miſcarrying of the ſaid Records; and finding howſoever the ſame is now practiſed and permitted by the Six Clerks, who when a Pleading is Filed with one of them, do many times intruſt the Under-clerk, who is towards that Cauſe, with the delivery thereof to the Attorney of the other ſide: Whereas by the ancient courſe and practiſe, the Attorney with whom the ſaid Record is once Filed, ought with his own hands, or by the hands of his Filing Clerk to deliver the ſaid Record to the hands of the Attorney of the other ſide, or his Filing Clerk, without truſting any other therewith; whereof the Maſter of the Rolls having certified the Right Honourable the Lord Keeper, wiſhing a reformation might be had thereof, his Lordſhip having taken the ſame into his grave conſideration, for the preventing and avoiding of any farther prejudice or miſchief that may at any time hereafter come unto the Client by ſuch Errors or miſcarriages as aforeſaid, doth think fit, and ſo order, that from henceforth the Attorney of this Court upon the Filing of any Pleadings or Record with them, ſhall by himſelf or his Deputy tranſfer and deliver the ſaid Pleadings or Record to the Attorney of the other ſide, or his Deputy, without truſting any other Clerk to do the ſame; and to the end

end that thoſe Errors and inconveniencies may be prevented and avoided for the future, which do and may ariſe, by reaſon ſometimes more Records and Pleadings are entred in the Attorney's Filing-Book, than in the Tituling-Book of the ſame Attorney: It is thought fit, and ſo ordered by his Lordſhip, that every of the Six Clerks or their Deputies ſhall from henceforth after the End of every Term, and before the Beginning of the then next Term, examine and compare the Tituling-Book by them kept, and the Filing-Book kept for the ſame Office, the one with the other, and certifie the Errors, and ſupply the Defects and Omiſſions which they ſhall find therein, that both may be made perfect and agreeable the one with the other.

Ordo Curiæ, vel Ordo Regis pro Fees. 1638.

Concerning Fees.

IT is his Majeſty's pleaſure, that the Judges of all his Majeſty's Courts at *Weſtminſter*, that have occaſion to Impanel Juries of the Officers and Clerks of the ſame Courts to enquire of matters concerning the ſame Courts, ſhall Impannel ſuch Juries this Term, and enquire what Fees have been uſually taken in ſuch of his Majeſty's Courts of Juſtice by the ſeveral Officers of the ſame Courts for the ſpace of thirty Years laſt paſt; upon Certificate whereof his Majeſty will take ſuch courſe for the ſetling of thoſe Fees in the ſaid ſeveral Courts, as to his Wiſdom ſhall ſeem meet; and the Lord Keeper is not only to perform this his Majeſty's Pleaſure in the Court of *Chancery*, but to ſignifie the ſame his Majeſty's Pleaſure to the Judges of the other Courts, that they may perform the ſame this Term.

The

The Oath of the Officers that are to enquire of Fees in the Court of Chancery.

YOU ſhall diligently enquire, and true Preſentment make of all ſuch Fees and Payments as now are, and by the ſpace of thirty years laſt paſt have been uſed to be taken by any Officer, Miniſter or Clerk of this Court, as belonging or claimed to belong to him or them by reaſon of his Office, Place or Clerkſhip, and what Fees now taken or claimed have been begun, inhanſed, increaſed or innovated within the ſpace of thirty years, and when, and how long ſince, and how the ſame were ſo begun, innovated, inhanſed or increaſed.

Martis 23 die Junii Anno Regni *Caroli* Regis 16. 1640.

Concerning Subpæna's.

THE Right Honourable the Lord Keeper taking notice, that Subpæna's *retornable immediate*, have been lately granted upon Petition, by the Maſter of the Rolls, which is a thing proper to be granted by his Lordſhip, and not otherwiſe: It is ordered, that all the Clerks of this Court do hereby take notice, that from henceforth they may not take forth any *Subpæna retorn. immediate* without the ſpecial command of the Lord Keeper.

Veneris 26 die Junii, Anno Regni *Caroli* Regis 16*to*. 1640.

Concerning Subpæna's Ad audiendum Judicium.

WHereas ſeveral Lord Keepers of the Great Seal of *England* having been informed of ſundry Abuſes in the untimely and diſorderly ſetting down of Cauſes for hearing in this Court, and the obtaining of

of *Subpæna's Ad audiendum Judicium* thereupon, whereby ancient Cauſes have been kept back from hearing, and other Cauſes thruſt in, to the prejudice of other Clients, and ſcandal to the Court, the Six Clerks towards the Cauſe never being made acquainted therewith; for Reformation whereof their Lordſhips upon ſundry Complaints to them made, have by ſeveral Orders of the 18*th.* of *Feb.* 19 *Jacob. Regis*, the 28*th.* of *May*, 21 *Jac.* and the 30*th. June* 1*ſt Car.* now peruſed by the Right Honourable the Lord Keeper that now is, Ordered and required, that hereafter it ſhould be carefully obſerved that no Subpæna ſhould be made *Ad audiendum Judicium* for any Cauſe of hearing whatſoever before the Clerk that makes the ſame Writ have a Note under the hand of the Six Clerk that is Attorney in the Cauſe, and under the hand of the Regiſter, and in their abſence, under the hand of their ſufficient known Deputies, to warrant the ſame; and that if any ſuch Clerk ſhould preſume to offend therein, then the ſaid Clerk ſo offending was to ſtand committed for ſuch his contempt. Now foraſmuch as the Right Honourable the now Lord Keeper was this day informed by the Six Clerks of this Court, that of late times the ſaid Order hath been neglected, and divers Subpæna's have been made without any ſuch Note from them or their Deputies, in contempt of the ſaid Order: Whereupon his Lordſhip minding, as his Predeceſſors have done, to have the ſaid Order put in Execution in all points, and the penalty aforeſaid to be inflicted upon the offenders; Doth now Order, that the Clerks of the Subpæna Office having notice hereof, ſhall at their peril, and under the penalty aforeſaid, obſerve and perform the aforeſaid recited Order, without putting the ſaid Six Clerks to make further Complaints to his Lordſhip for breach thereof.

Jo. Finch, C. S.

Sabbati

Sabbati 23 die Januarii Anno Regni *Caroli* Regis 22. 1646.

At the Rolls, Maſter of the Rolls Sir *Edward Low.*

Concerning Decrees made with the Aſſiſtance *of the Judges.*

IT is ordered that all Injunctions, Decrees and Diſmiſſions hereafter to be granted or made by any of the Judges ſitting in *Chancery*, ſhall be firſt Signed by them, or ſuch of them as ſhall grant or make the ſame, before the Order whereby the ſame ſhall be ſo granted or made, ſhall be entred in the Regiſter; whereof all the Six Clerks and other Clerks of this Court are to take notice, and carefully to obſerve the ſame, and to enter the Orders before the ſame be Signed by the Commiſſioners.

Lunæ 26 die Aprilis Anno Regni *Caroli* Regis 23. 1647.

Concerning Petitions.

The Earl of *Mancheſter* Speaker.

THE Right Honourable the Commiſſioners for the Cuſtody of the Great Seal of *England* taking into conſideration the many complaints that have been made of divers Proceſſes of this Court, and other proceedings therein, grounded upon Petitions Signed by their Honours, or by the Maſter of the Rolls, without Filing ſuch Petitions with the Regiſter, and entring Orders thereupon, whereby divers perſons have been put to trouble and charge unwarrantably, and the ſaid Petitions and the Proceſs and Proceedings thereupon have been diſcharged for want of entring Orders upon the ſaid Petitions, and Filing them as they

they ought to be, to the end the ſame may be and remain as a Warrant for ſuch Proceſs and Proceedings where the Suitors may expect to find the ſame; by which undue Courſes the Suitors have loſt the benefit of ſuch Petitions, and the Proceſs and Proceedings thereupon; their Honours do therefore order and command all Officers and Clerks of this Court for the prevention of the like prejudice and loſs for the future, that no Officer or Clerk of this Court ſhall from henceforth make or iſſue forth any Subpæna's, Attachments, or other Proceſs of this Court, nor proceed or admit of any Proceedings in any Cauſe depending in this Court upon ſuch Petitions ſo Signed by their Honours, or by the Maſter of the Rolls, until ſuch Petition ſhall be firſt Filed with the Regiſter, and an Order drawn and entred thereupon, to the end the Suitor may know whither to reſort to ſee the Warrant for ſuch Proceſs and Proceedings: And their Honours do declare and Order, that all ſuch Subpæna's, Proceſs and Proceedings, as ſhall at any time hereafter iſſue and be had upon ſuch Petition, being not Filed, nor any Order entred thereupon, ſhall be null and void as irregular and undue, and ſhall not bind the adverſe party: Whereof the Officers and Clerks of this Court are to take notice at their peril.

Martis 19 Octobris Anno Regni *Caroli* Regis 23. 1647.

Two Perſons committed to the Fleet for Imbezzeling the Records of the Court.

WHereas the Honourable the Maſter of the Rolls, having been informed of a great abuſe and miſdemeanor committed by *William Newdigate* and *Robert Gold*, in taking out of the Six Clerks Office divers Decrees and Records of the Court, and diſpoſing them to other uſes; and his Honour having Examined the matter,

ter, and finding the ſaid perſons guilty of the ſaid Crimes: It is Ordered that the ſaid *William Newdigate* and *Robert Gold*, do ſtand committed to the Priſon of the *Fleet* until further Order ſhall be taken; this Court intending to inflict Exemplary puniſhment upon them, as the nature of ſuch offence doth deſerve.

Ordinances received and provided this Hilary *Term*, Anno Caroli Regis 22. 1646. *by the Right Honourable* Edward *Earl of* Manchester, *Speaker of the Houſe of Peers* pro tempore, *and the Honourable* William Lenthall, *Eſq; Speaker of the Houſe of Commons, and Maſter of the* Rolls, *Commiſſioners for the Great Seal of* England, *for the Redreſs of ſundry Diſorders in Proceedings in Cauſes, and of other Abuſes of late crept into his Majeſty's High Court of* Chancery.

FOraſmuch as by undue Proceedings and Abuſes, eſpecially of the Under-Clerks ſerving in the Offices of the Six Clerks, who are the only and proper Attorneys in the High Court of *Chancery*, the ancient Rules and ſettled Government of this Court are diſturbed and perverted, to the Diſhonour of this Ancient and Honourable Court: For the more ſpeedy redreſs of which Enormities, and to prevent the like for the future, until the Committee appointed by Parliament for the regulating the Proceedings in *Chancery*, ſhall take further care thereof: This Court, upon due and mature conſideration had, hath thought fit to publiſh and declare, and do hereby publiſh, declare and order, to the end that all diſorders already crept into the Office of Six Clerks in this Court may be reformed, and for prevention of abuſes for time to come, in the practice and proceedings of and in the ſaid Office of the Six Clerks,

That all Copies in *Chancery* written in Paper, ſhall contain 15 Lines at the leaſt in every ſheet thereof, written orderly and unwaſtefully; all which Copies,

before they ſhall be delivered out of the Six Clerks Office, ſhall be Signed with the name of the Six Clerk to whom they do belong, of his proper hand-writing, or in his abſence, by his Deputy by him to be appointed, for whom he will anſwer; and if any Copy ſhall be delivered out of the Clerks Office not ſo Signed as aforeſaid, the ſame ſhall not be made uſe of in Court, or by any Maſter or Solicitor.

No Subpæna *Ad audiendum Judicium*, ſhall henceforth be made or ſued forth, but by Note in Writing of the Six Clerk's hand, as ſhall be the Party's Attorney in the Cauſe, or ſuch his Deputy as aforeſaid, in his abſence, for Warranting the ſame; for which Note only no new Fee ſhall be taken.

No fruit ſhall be taken of any Subpæna *Ad rejungendum*, unleſs there be a Replication firſt entred with, and Filed by the Plaintiff's Six Clerk in the Cauſe, according to the courſe of the Court, before the iſſuing out of the ſaid Subpæna, or at leaſt before the return thereof; and the parties upon whom ſuch Subpæna ſhall be ſerved, finding no Replication ſo Filed before the return thereof, ſhall have the ordinary Coſts taxed.

The Regiſter of the Court ſhall not enter in his Office any common Rule or Attachment, which iſſues from the Six Clerks Office, but by a Note or Warrant under the Six Clerk's own hand that is Attorney in the Cauſe, or ſuch his Deputy as aforeſaid. And the Six Clerks are carefully to ſee that all common Rules and Attachments be from henceforth duly entred in the Houſe-Book, and with the Regiſter, according to the ancient courſe of the Court; and no Under Clerk in the ſaid Office ſhall enter any Rule either in the Houſe-Book, or the Regiſter, until the ſame be firſt entred with the Six Clerk to whom the ſaid Rule is proper to be given.

No Bill, Anſwer, or other Pleadings ſhall be Copied before they be duly Filed, and the hand of the Six Clerk towards the Cauſe, or in his abſence, ſuch his Deputy

as

as aforeſaid, thereunto put; nor any Depoſitions or Anſwers taken by Commiſſion, to be opened or Copied, till they be truly returned and delivered to the Six Clerk himſelf, out of whoſe Office the Commiſſion iſſued, or in his abſence, to ſuch his Deputy as aforeſaid, and until the Publication be duly paſſed in the Cauſe, as hath been anciently uſed.

No Bill, Privy Seals, Commiſſions, Warrants, or other Pleadings, Commiſſion, Decrees, Diſmiſſions, Injunctions or Records whatſoever, ſhall from henceforth be carried to be Engroſt, Enrolled, Copied, or otherwiſe uſed by any of the Under-Clerks to their Chambers, or elſewhere out of the Six Clerks Office or Lodgings there; and when, and ſo ſoon as any Clerk ſhall have Ingroſſed, Inrolled, Copied, or uſed any ſuch Warrants, Pleadings, Commiſſions, Decrees, Diſmiſſion, or other Record in the ſaid Office, he ſhall bring the Original thereof preſently back to his Maſter, or to ſuch of the Six Clerks to whom the cuſtody of the ſame doth or ſhall belong, for the more ſafe keeping or diſpoſing thereof: And it is further Ordered, that within one Term after any Cauſe ſhall be determined by Decree or Diſmiſſion, every Clerk that ſhall have any Decree or Diſmiſſion, or that ſhall have any other Record of or touching the Cauſe in his cuſtody, ſhall deliver the ſame to that Six Clerk to whom it ſhall belong, to keep the ſame, or to ſuch his Deputy as aforeſaid, according to the ancient Uſage.

No Decree, Diſmiſſion, Injunction, or other Writ, ſhall be preſented by the Regiſter of this Court, his Deputy, or any other, to the Lord Chancellor, or Keeper, or other Commiſſioners for the keeping of the Great Seal, or Maſter of the Rolls for the time being, to be Signed, without the proper hand of the Six Clerk in the Cauſe, or ſuch his Deputy as aforeſaid in his abſence, firſt ſubſcribed thereunto.

That in all Joint Commiſſions to take Anſwers, examine Witneſſes, prove Contempts, and other ſpecial

Commiſſion directed by the Court, the Names of the Commiſſioners agreed on ſhall be entred in a Book for that Purpoſe to be kept by the Six Clerk himſelf who hath the carriage of the Commiſſion, and ſubſcribed unto by each Six Clerk in the Cauſe, or in their abſence, by ſuch their reſpective Deputy or Deputies, whereby no alteration may be had of the Commiſſioners names agreed on, but by Order; and that the Under Clerk preſume not to agree upon the Commiſſioners Names after any other manner.

Laſtly, It is Ordered, that theſe Orders be fairly written in ſeveral Tables, and hung up in the Office, every Term, in the Court, to the end that all Counſellors, Clients, Clerks and Sollicitors, may the better take notice of them to obſerve them, and that they be likewiſe entred with the Regiſter of this Court.

Rec. 21. *Jan.* 23 *Car.*
& Intrat' tunc.

E. Manchester, C. S.
William Lenthall, C. S.
William Lenthall.
Mag. Rot.

Lords Commiſſioners.

Sabbati 26 die Maii Anno Regni *Caroli* Regis 25. 1649.

Filing of Affidavits.

WHereas Mr. Attorney General did this day move on the behalf of *Sheffield Stubbs*, Regiſter of the Affidavits of this Court, and produced ſeveral General Orders made by this Court, concerning the Filing of Affidavits, contrary to which Orders there have been ſeveral Abuſes committed in not Filing of Affidavits, and therefore was prayed that a General Order might be made for the redreſs thereof: It is Order'd, that their Lordſhips be attended herein, and put in mind thereof when other General Orders are made, and then ſuch Order ſhall be made as ſhall be fit.

Lunæ

Lunæ 26 die Novembris, Anno 1649.

Concerning Injunctions.

WHereas heretofore the courſe of the High Court of *Chancery* hath been, when the Defendant or Defendants pray a *Dedimus poteſtatem*, to anſwer in the Country upon motion made by the Plaintiff, the Court did grant an Injunction to ſtay Suits at Law, which Motion many times was hard to be obtained, and chargeable to the Client: This Court, for a remedy of the ſaid inconveniency, and for the eaſe of the Client, doth order and declare, that for the future, whenſoever the Defendant or Defendants ſhall pray a *Dedimus poteſtatem* to take their Anſwer, Plea, or Demurrer in the country, that the Plaintiff, Six Clerk, or ſuch his Under Clerk as he ſhall appoint, ſhall without motion made to the Court, prepare and draw a *Docquet* and Writ of Injunction of courſe; unto which *Docquet* it is ordered by the Court, that the Six Clerks that are Attorneys in the Cauſe, or their reſpective Deputies, ſhall ſubſcribe their Names, and in which Writ the cauſe of granting the ſaid Injunction is to be expreſt in the uſual form; which *Docquet* and Writ being ſo prepared, ſhall be preſented to be ſigned as formerly. And this Court doth further order, that this Order ſhall be obſerved for a conſtant Rule in this Court by the Six Clerks, and their Under-clerks, that the Client may have the benefit thereof: And if any Injunction in ſuch caſe do iſſue forth in any other manner than as before is expreſt, it ſhall be void and of no effect.

B. Whitlock, C. S.
R. Keble, C. S.
Jo. Liſle, C. S.
W. Lenthall, C. S.

Sabbati 8 die Decembris, Anno 1649.

Touching Records.

IT is this day Ordered by the Honourable the Maſter of the Rolls, that the Records of this Court until 5 *Car.* now remaining with the Six Clerks of this Court in the Office of the ſaid Six Clerks, be transferred over to the Chappel of the Rolls, to be ſafely kept there, according to the uſual courſe, and all the Calenders thereunto belonging, that may be had between this and the beginning of next Term. And it is alſo Ordered, that the Clerks of the Chappel of the Rolls do receive the ſaid Records, and give a catalogue to the Six Clerks for a Receipt of ſo many of the Records as ſhall be transferred over to their hands by time the aforeſaid. *William Lenthall*, C. S.

Lunæ 1. Aprilis, Anno 1650.

Concerning Priſoners.

IT is this day Ordered by the Right Honourable the Lords Commiſſioners for the cuſtody of the Great Seal of *England*, that ſuch Priſoners now in the cuſtody of the Warden of the *Fleet*, who have made Affidavits according to the late Act of Parliament for Priſoners not worth 5 *l.* ſhall have their Liberty by their *Habeas Corpus*, upon their own ſecurity, to be given to the Warden of the *Fleet*.

Veneris 21. die Junii, 1650.

Touching the Six Clerks.

WHereas only Mr. *Hales*, one of the Six Clerks of this Court, gave his attendance this Morning ſitting the Court, at the entring into the hearing of the cauſe wherein *Kitchen* is Plaintiff againſt *Meredith* Defendant, and the reſt of the ſix Clerks made default: It is therefore this preſent day ordered, that ſuch of the ſix Clerks who ſo made default of their attendance and ſervice to this Court at the beginning of

of that Cauſe, be fined 10 s. apiece to the Poor, and the Uſher of this Court is to receive the ſame to the uſe aforeſaid.

Lunæ 17. die Febr' Anno 1650.

Pleas and Demurrers.

THE Right Honourable the Lords Commiſſioners for the cuſtody of the Great Seal of *England*, taking notice of many Inconveniences by the entring Demurrers in the Paper, after the ſame is ſet up in the Regiſters Office, whereby the other ſide is many times ſurprized; do think fit and order, That from henceforth the Regiſters do not enter any Plea or Demurrer in the Paper, at the inſtance of any Perſon, or Warrant for ſetting down the ſame on any certain day, unleſs the ſuitor ſhall bring ſuch Order or Warrant to the Regiſter to be ſo entred, at leaſt two days before the Day appointed for hearing ſuch Demurrers or Plea; and that after ſuch Paper made and ſet up in the Regiſters Office, no addition or alteration ſhall be made therein.

Jovis 31. die Decemb' Anno Regni *Car.* Regis 16. 1640.

The Nobility Anſwering.

ORdered upon the Queſtion (*Nemine contradicente*) That the Nobility of this Kingdom, and Lords of the Upper Houſe of Parliament, are of ancient Right to anſwer in all Courts, as Defendants, upon proteſtation of Honour only, and not upon the common Oath; and that the ſaid Order, and this Explanation doth extend to all Anſwers and Examinations upon Entries in all Cauſes as well criminal as civil, and in all Courts and commiſſions whatſoever; and and alſo to the perſons of the Widows and Dowagers of the Temporal Peers of the Land; and that the Lord Keeper of the Great Seal of *England*, for the time being, or the Speaker of the Houſe of Lords, for the time being, do forthwith give notice of it, together with the

explanation, to all the Courts of Juſtice, and the Judge Clerks and Regiſters of them, by cauſing our former Order, with this explanation, to be recorded in all Courts; and that all Orders, Conſtitutions, or Cuſtoms entred or practiſed to the contrary, whenſoever, may be aboliſhed and declared void; and the Lord Keeper of the Great Seal, for the time being, or Commiſſioners of the Great Seal out of Parliament-time, ſhall ſee all practices to the contrary hereafter to be puniſhed with examplary ſeverities, to deter others from the like attempts.

Jo. Browne, Cleric' Parl.

Lords Commiſſioners.

Wedneſday the 15*th* of October. 1651.

Concerning Examiners.

UPON motion this day made unto the Right Honourable the Lords Commiſſioners for the Cuſtody of the Great Seal of *England*, by Mr. *Rich*, and Mr. *Raven*, on the behalf of the Examiners of this Court, touching an abuſe by ſome perſons of late, often committed in taking out and executing Commiſſions in and about *London*, contrary to the General and Known Rules and Practice of this Court, that no Commiſſion ſhall be executed in *London*, or within twenty miles thereof; and ſeveral Orders of Court heretofore made in confirmation thereof: Their Lordſhips do appoint the Examiners to attend them with the Orders and Preſidents of the Court in this Caſe, and they will then be pleaſed to give ſuch order for relief of this abuſe as ſhall be juſt.

Lords Commiſſioners.

Friday the 18*th* of June, 1652.

Concerning Motions.

WHereas heretofore, *Thurſday* in every Week in the Term-time was appointed by the Right Honourable the Lords Commiſſioners, *&c.* for the hearing

ing of Motions, and ſo obſerved for ſeveral Terms together, to the great benefit of the Suitors; but of late the ſaid Cuſtom hath been let fall without any Direction or order from their Lordſhips, and Cauſes appointed to be heard every day, except the Firſt and laſt, through the whole Term. Their Lordſhips, upon the motion of Mr. *Chute*, do order, that from henceforth, *Thurſday* in every week in the Term-time (unleſs when it happens to be the ſecond of the beginning, or the laſt day ſave one of the end of the Term) to be obſerved for hearing of Motions only, and the Six Clerk, as alſo the Secretary are to take notice thereof, and not to tender or procure any Cauſe to be ſet down for hearing on that day.

Thurſday the 16*th* of March, 1653.

An Order made by the Honourable William Lenthall, *Eſq; Maſter of the* Rolls, *for the better ordering and ſafe keeping the Records in the* Six Clerks Offices.

FOraſmuch as there have been Complaints lately made to the Honourable the Maſter of the Rolls of divers Records loſt, or ſo miſlaied in the Six Clerks Offices, that they are not to be found; which abuſe and other miſchiefs, upon enquiry, he finds to grow from the great neglect of due filing of Bills, Anſwers and other Pleadings, and carrying them out of the Office to be copied, and lying ſcattered up and down the Offices in the Under-Clerks ſeats. His Honour taking conſideration hereof, and for redreſs for the future, doth order and command all the Clerks in the ſaid ſeveral Offices, that they forthwith turn over all Bills, Anſwers and Pleadings, which they have in their ſeveral cuſtodies, or have delivered out to be copied, and which ought to have been turned over and filed before this time, to the end they may be all forthwith filed with the ſeveral Six Clerks for their ſafe cuſtody. And that all the Clerks hereafter be more careful for the filing

filing all Bills, Anſwers, and other Pleadings in due time; and that no Clerk hereafter preſume upon any pretences whatſoever, to Copy any Bill, Anſwer, or other Pleadings, before they be duly filed; and that the Client who delivers any Bill, Anſwer, or other Pleading, to be ſo copied before the filing thereof, ſhall be adjudged equally faulty, as the other Clerk that ſhall ſo copy them. And that no Clerk ſhall deliver any Record to be carried forth of the Offices to be copied. And it is further ordered, That if hereafter any diſobedience by any of the Under-Clerks in that Office ſhall appear; it is thereby ordered, That the Six Clerk in whoſe Office the default ſhall be found, ſhall forthwith preſent ſuch default to the ſaid Maſter; and if the ſame be found true, ſuch Clerk or Clerks are hereby diſabled to ſit any more in that Office, as an Under-Clerk, or keep any Desk there, and ſhall pay the full Damage and Coſts that the party grieved, whom it may concern, ſhall be at by ſuch default: And it is further ordered, That this Order be fixed up forthwith in the Office of the Six Clerks, that every one may take notice thereof. And his Honour doth further charge and command the Six Clerks, that they reſpectively ſee theſe Orders from time to time duly obſerved, as they will anſwer the contrary at their perils.

William Lenthall.

Order of the Maſter of the Rolls.
Thurſday the 29*th* of June, 1654.

Concerning Records to be brought into the Chappel of the Rolls.

FOraſmuch as it appears to me, and alſo upon ſeveral Complaints made to me, and diligent enquiry thereupon, that many inconveniencies ariſe to the people of this Nation, for that you the reſpective Officers under my charge, do neglect to return and bring into the Chappel of the Rolls all Inrollments, Inqui-

Inquiſitions and Records in your ſeveral charges; Theſe are therefore to will and require you and every of you, and I do hereby order you the ſeveral Clerks, the Clerk of the Inrollments, and the Clerk of the Petty-Bag, to bring into the Chappel of the Rolls all ſuch Inrollments, Inquiſitions and Records, as have been uſually brought into the Chappel of the Rolls, and are not yet brought, and are now in any of your reſpective cuſtodies, together with the ſeveral and reſpective Callenders thereof, fairly written and delivered to my ſelf, at or before the firſt day of *Auguſt* 1654. that thereby ſuch uſe may be made of them, as ſhall be for the moſt advantage and eaſe of the people, and the preſervation thereof more immediately under my view: And if any of the ſaid Officers ſhall neglect their duty herein, ſuch courſe ſhall be forthwith taken for their diſobedience, by ſequeſtration of their ſeveral and reſpective Offices, or otherwiſe, as ſhall appertain to Juſtice, and according to former Preſidents in like caſes. And it is further ordered, That this Order, or a true Copy thereof, be forthwith delivered to every one of the Officers aforeſaid, whom it may concern: And alſo that this Order be forthwith fairly written and fixed in every Office, that no excuſe may be made for want of notice.

William Lenthall.

Monday the 23*d* of July, 1655.

Concerning Ideots and Lunaticks.

IT is this day ordered, That no Order, Affidavit or Certificate touching any Ideot, Lunatick, or *Non Compos Mentis*, ſhall be made uſe of in this Court, unleſs the ſame be filed with Mr. *Shadwell* the Clerk of the Cuſtodies within the ſpace of five days incluſive, next after the ſeveral and reſpective dates of ſuch Orders, Affidavits, or Certificates.

N. F. C. S. *J. L. C. S.*

Thurſ-

Thurſday the 9*th* of October, 1656.

Order on the behalf of the Maſters of Chancery in Ordinary.

WHereas it appears by ſeveral Rules and Orders of this Court, made by ſeveral Lord Chancellors and Lord Keepers, that the Maſters of the *Chancery* Extraordinay have been, and are reſtrained from the exerciſing or doing any manner of Act as Maſters of *Chancery* within the City of *London*, or 5 miles compaſs thereof; and the Clerks and Officers of this Court are prohibited to receive or proceed upon any Acts done by the ſaid Maſters Extraordinary, within the compaſs aforeſaid: Upon conſideration whereof had, and upon hearing the Maſters of *Chancery* in Ordinary, It is this 9*th* day of *October*, 1656. ordered by the Right Honourable the Lords Commiſſioners for the cuſtody of the Great Seal of *England*, that the ſaid former Rules and Orders of Court do from henceforth ſtand revived and continue in force. And to the end the ſame may be the better obſerved, it is further ordered, That from and after the 25*th* Day of *December* next, all Maſters Extraordinary, when they certifie any Anſwer, Affidavit, Deed or Recognizance, ſhall therewith alſo certifie as well the place where, as the time when the ſame were ſworn and acknowledged; or in default of ſuch Certificate of the place, or in caſe the ſame ſhall be ſworn or acknowledged within *London*, or five miles compaſs thereof, ſuch Affidavit, Anſwer, Deed or Recognizance, ſhall not be admitted, filed or inrolled without the ſpecial Licenſe of the Lords Commiſſioners or Maſter of the Rolls. And that this Order be entred in the Regiſter of this Court, and Copies thereof ſet up, and from time to time renewed and preſerved for publick view, in the Office of the chief Regiſter, chief Clerk of the Petty-Bag, and Clerk of the Inrollments, to the end that the ſaid Maſter Extraordinary;

nary; and the ſaid Clerks, and all Attorneys and other Officers of this Court may take notice and demean themſelves accordingly, and not otherwiſe.

Monday the 16th of February, 1656.

Of Examination of Witneſſes.

THE Right Honourable the Lords Commiſſioners for the cuſtody of the Great Seal of *England*, taking into their ſerious conſideration the Words of the late Ordinance for Regulation, touching the execution of Commiſſions, wherein it is declared, *That after one Commiſſion taken out by the Plaintiff, and not executed, the Plaintiff ſhall be utterly debarred from examining any further Witneſſes in his Cauſe*; Their Lordſhips are clear of opinion, that notwithſtanding the literal ſenſe of the ſaid Regulation, the Plaintiff in any Cauſe depending in this Court, may have liberty to examine his Witneſſes in Court, as he ſhall ſee cauſe.

Wedneſday the 19th of May, 1658.

An Order of the Court, made for preventing the Abuſes ariſing from making of Copies of Depoſitions, by Copies taken from the Examiner.

FOraſmuch as complaints have been often made by the Examiners, and ſeveral Suitors of this Court, of the great Injury and Prejudice that hath been done to them by Under-clerks and Sollicitors, making and writing out Copies from Copies of Depoſitions deliver'd by the Examiner out of his Office, and ſelling the ſame to the Client. Upon ſtrict enquiry into, and examination of the aforeſaid complaint, it hath appeared to the Right Honourable the Maſter of the Rolls, as well by Certificates of the Maſters of this Court to whom ſome of the ſaid Abuſes have been referred; as alſo by other good proof, that after Copies of the Depoſitions have been taken from the

the Examiners, the ſame Copies have been altered in divers places, and material parts of ſome Depoſitions quite ſtruck out by the party himſelf or his Agent, who took the ſame from the Examiner, and afterwards Copies thereof have been made and given, or ſold to the adverſe party himſelf at mean rates, and ſometimes to his Clerk or Solicitor, who hath delivered them to his Client, and taken the Examiners full Fees for them; and ſometimes the Clerk or Solicitor, when he hath had the Copies of Depoſitions given to him by his Client to breviate or keep for him, hath privately written copies thereof, and hath extended the ſame to an unreaſonable number of ſheets more than thoſe taken out of the Examiners Office, and then by combination with the Clerk or Solicitor for the other ſide, without the knowledge of the Client who took out the ſaid Copies, or the Examiners, have delivered the ſaid waſtefully written Copies to the adverſe party, pretending the ſame are true Copies taken out of the Examiners Office; and have demanded and received of the Client the Examiners Fees for the ſame, and ſhared the Monies amongſt themſelves; and do alſo uſe divers abuſes and practices of like nature, whereby Clients have been ruined in their Cauſes, the Court wronged in their Judgment, and the Examiner couſened of his due Fees; who hath not only the fruits of his own Labour unjuſtly ſwallowed up by Clerks and Solicitors, for want of the delivery of ſuch Second copies, but doth alſo incur ſcandalous Imputations, by reaſon ſuch ſurreptitious Copies are many times falſly made, out of deſign to ruine the adverſe party, and are generally ill and looſly written, being ſuppoſed by the party, who paid for them, and by all others who take notice thereof, to be taken out of the Examiners Office; ſome of which ſaid abuſes and foul practices have been formerly taken notice of, and much endeavoured to be prevented and ſuppreſſed by this Honourable

ble Court, by impriſoning the Offender, and other ways, as by an Order of this Court dated the 8*th.* of *Febr.* 1 *Car.* and another made between *Lockſmith* Plaintiff, againſt *Creſwell* Defendant, dated the 16*th.* of *May*, 10 *Car.* another between *Allington* Plaintiff, and *Dandy* Defendant, dated the 5*th.* of *July*, 13 *Car.* and divers other Orders appeareth. Therefore the Right Honourable the Maſter of the Rolls, taking the Premiſſes into his conſideration, doth think fit and order, That if at any time hereafter it ſhall probably appear to the ſaid Examiners, or either of them, before or after the hearing of any Cauſe, that any ſuch ſurreptitious Copy ſhall be made as aforeſaid, the Examiner who findeth himſelf aggrieved, may, if he will, take out Subpæna's againſt any two, three, or more ſuch Perſons as he ſhall ſuſpect to have a hand therein, for examination of ſuch miſdoers upon Interrogatories in that behalf, to be exhibited before the other Examiner, and firſt allowed of by a Maſter of this Court, touching the point of Fraud and Abuſes before mentioned; as alſo againſt ſuch perſons whom he conceives to be able to prove the ſaid Abuſe in caſe it be denied, and if upon conſideration had of the Anſwers of the ſaid parties ſuſpected, to the ſaid Interrogatories or proofs, it ſhall appear unto the ſaid Maſters of this Court who allowed of the Articles, and be by him certified, that the ſaid parties are faulty in all or any of the abuſes before mentioned, or any of like nature, that then every perſon ſo offending, ſhall for ſuch his miſdemeanor be committed to the Priſon of the Fleet, from whence he ſhall not be diſcharged till he hath given ſatisfaction to the Examiner touching the ſame; provided, that if the parties drawn in queſtion ſhall acquit themſelves upon their Examination, and the Examiner not be able to prove the ſame, that then the Examiner who called them in by Proceſs, ſhall pay coſts for unjuſt examination as the Court ſhall think fit.

Mr. Juſtice Windham. *Mr.* Hobart. *Mr.* Gyles.

Fri-

Friday the 25*th*. of June, 1658.

Concerning Filing Bills.

UPON conſideration had by the Right Honourable the Maſter of the Rolls, of the many inconveniencies and miſchiefs that have and may ariſe by reaſon of the not duly filing of the Bills, Anſwers, and other Proceedings in Cauſes in this Court, and for preventing the ſame for the future, his Lordſhip doth order, That the Parties or their Clerk in Court ſhall bring a Certificate at the hearing of the Cauſe, that the Bills and Anſwers are duly filed with the Six Clerk, and that the Books are duly ſigned, or elſe his Lordſhip will not proceed to the hearing of thoſe Cauſes: And in caſe default ſhall be made in bringing in ſuch Certificate, then the party in whoſe default it is, ſhall pay very good coſts in reſpect thereof.

Monday the 19*th*. of July, 1658.

Concerning Records.

WHereas there have been divers complaints made to his Lordſhip, that the Records in the Six Clerks Office, are not duly brought over into the Chappel of the Rolls, as in former times have been uſed to be done; his Lordſhip doth hereby order and require, That the Six Clerks do this enſuing Vacation bring over into the Petty-Bag Office, all the Patent Rolls and their Warrants, with their Extracts of 1656. and before; and that the Clerk of the Petty-Bag do examine the Extracts with the Rolls, and ſend the Extracts into the Exchequer, and the Patent Rolls into the Chappel of the Rolls, with their Warrants, at or before *Trinity Term* next enſuing; and the Six Clerks do alſo immediately ſend into the Chappel of the Rolls all the Decree Rolls of 1656. and before, with the Paper Books that are the Warrants for the ſame, there

there to be carefully laid up, preſerved and callendred, for the ſervice of his Highneſs, and the benefit of the Commonwealth.

Will. Lenthall.

Monday the 19*th.* of July, 1658.

Concerning Records.

WHereas there have been divers Complaints made to his Lordſhip, for that the Records now remaining in the Inrollment Office are not brought over to the Chappel of the Rolls, as formerly have been uſed to be done, his Lordſhip doth hereby order and require, that the Clerk of the Inrollments do bring over into the Chappel of the Rolls all their Inrollments of 1656. and the years before, this enſuing Vacation. And his Lordſhip doth order and require the Clerk of the Chappel of the Rolls, that when the Inrollments are brought over, that they do forthwith lay up the ſame in Preſſes appointed for that purpoſe, and do make Calenders and Entries of them, that ſo they may be ready for the ſervice of his Highneſs, and the benefit of the Commonwealth.

Will. Lenthall.

Maſter of the Rolls, Sir Nath. Hobart, *Mr.* Eſcott.

Saturday the 30*th.* of October, 1658.

Concerning Bills and Coſts.

WHereas upon the motion of Mr. *Powell*, this preſent day, made upon an Affidavit then read in Court, whereby it appeared, that one *Robert Todd* doth keep ſeveral Paper Books, commonly called the Bills and Coſts, wherein he enters many Bills and Coſts, without any Authority for the ſame, to the great diſturbance in proceedings, and in danger of the Clients Cauſes; it was therefore prayed, that the ſaid *Todd*

may be ordered to bring in the ſaid Books, and all Bills entred therein by him, and what other publick Books concerning proceedings in Cauſes he hath, or lately had, to his Lordſhip within ſome ſhort time. It is therefore ordered by the Right Honourable the Maſter of the Rolls, that the ſaid *Todd* do bring in the ſaid Books and all other Books concerning proceedings in Cauſes in this Court, which he had at the time of the making this Order, or any time before, together with the Bills therein entred, to his Lordſhip upon *Thurſday* next, whilſt he is ſitting in his Court in the Chappel of Rolls, or elſe to ſhew good cauſe to the contrary, or in default thereof to ſtand committed to the Priſon of the Fleet.

Friday the 18*th.* of February, 1658.

Concerning the Six Clerks.

WHereas upon expiration of the late Ordinance for Regulation of the *Chancery*, there did ariſe ſeveral Queſtions and Differences between thoſe who had been formerly the Six Clerks in *Chancery*, and thoſe perſons who had, according to the ſaid Ordinance, been ſworn Attorneys in *Chancery*; upon which differences between them, there was much variety and difference upon Opinion, teſtified by divers Eminent Perſons, learned in the Law, under their Hands; and that thoſe differences, at length, proceeded ſo far, that there aroſe from thence a great diſturbance in the Six Clerks Office, and in the proceedings of the Court, to the prejudice of the Clients there attending their Cauſes: For prevention whereof, and ſettling the matter for the preſent till further order, and until a Parliament might be ſitting, who could apply the propereſt and moſt effectual remedy thereunto, an Order was made, bearing date the 4*th.* of *March*, 1657. and afterwards (that is to ſay) on *Tueſday* the 20*th.* of *July*, 1658. an Injunction was granted in purſuance of the ſaid

ſaid Order, and for ſettlement of the matters aforeſaid. And whereas now there is a Parliament ſitting, to which the Parties concerned, if they think fit, may apply themſelves, and unto whom the Lords Keepers of the Great Seal of *England* do conceive it doth moſt properly belong, to determine the matter in queſtion between the ſaid Parties. Their Lordſhips do declare, that the ſaid Order and Injunction be from henceforth ſet aſide and determined, and that the Parties be left to apply themſelves to the Parliament, or to take ſuch other courſe as they ſhall be adviſed.

N. F. C. S. J. L. C. S. B. W C. S.

Lord Keeper Mr. William Lenthall.
Monday the 16*th.* of May, 1659.

Touching Filing of Bills.

WHereas by reaſon of the late differences between the Six Clerks, and their Under-Clerks, many diſorders and diſturbances have riſen in the Court of *Chancery*, by not filing of Bills and other Pleadings with the Six Clerks, according to the ancient courſe and Order of this Court; by which means the Clients have been obſtructed in their ſeveral Suits, and the Court abuſed, having granted Injunctions without Bills duly filed: For the taking away of which diſturbances, and for prevention of other inconveniencies for the future, it is ordered by the Right Honourable *William Lenthall*, Lord Keeper of the Great Seal of *England*, and Maſter of the Rolls, That all Bills brought unto the Clerk in the Six Clerks Office ſince the 4*th.* of *February*, 1657. which are not entred and filed with the Six Clerks, be forthwith brought unto the Six Clerks, to be entred and filed according to their ſeveral dates. And that all Anſwers, Pleadings and Records whatſoever, ſhall forthwith be likewiſe entred and filed with the Six Clerk, and that no Copies or Certificates ſhall be delivered out of the Office, or uſed, without the hand of one

of the Six Clerks thereunto ſet, or in their abſence, the hand of one of their reſpective Deputies. And it is likewiſe ordered by his Lordſhip, that all Pleadings and other Records whatſoever which the Clerks have in their houſes or chambers, be forthwith brought into the Six Clerks Office, there to remain in their cuſtody, according to the ancient and uſual courſe of the Court. And that no Records for the future ſhall by any Clerk or his Servant be carried out of the Office to be copied, or otherwiſe uſed, unleſs to a Maſter of the Court, or by Order of the Court. And whereas his Lordſhip hath been informed, that one *Robert Todd*, an Under-clerk in the Six Clerks Office, doth keep Books for entring Bills, Attachments, Rules and coſts, to the great diſturbance of the Proceedings in the Office; It is ordered by his Lordſhip, that the ſaid *Todd* ſhall forthwith bring in all the ſaid Books that are in his cuſtody, or have been in his cuſtody ſince the 4*th* of *February* 1657, unto his Lordſhip, to be diſpoſed of according to the ancient courſe and cuſtom of the Court.

Will. Lenthall, C.S.

Lord Keeper.

Saturday the 12*th* of May, 1659.

Subpœna Office.

WHereas I am informed, that Writs to examine Witneſſes in perpetual memory, Writs of *Duces Tecum*, and Writs to ſhew cauſe upon Orders, are of late made uſe by the Clerks of the Six Clerks Office, upon the pretence, that if the Word (Proceſs) be in the Order, that then as Clerks of the Court, they may make them. And that alſo by ſuch Clerks and others appearing in counterfeit Writs of *Subpœna*, much damage doth enſue, not only to the *Subpœna-Office* it ſelf, but alſo unto the Clients thereof. It is there-

therefore ordered, that from henceforth no Clerk of the Six Clerks Office, or others, do appear on any counterfeit Writ of *Subpœna*; and that no perſon that ſhall be guilty of counterfeiting any *Subpœna*, ſhall be permitted to write under, or for any Clerk of the Six Clerks Office, whereof the Six Clerks and their Clerks are to take notice. And alſo, that no Clerk of that Office making any Writs of *Duces Tecum*, Writs to examine Witneſſes in perpetual memory, or Writs to ſhew cauſe on Orders; but that they be made by the Clerk of the *Subpœna-Office*, as formerly hath been accuſtomed.

Will. Lenthall, C. S.

Lord Keeper.

Monday the 30*th* of May, 1650.

Concerning Filing Bills.

WHereas by an Order, bearing date the 16*th* of *May* inſtant, it was ordered, amongſt other things, That all Bills brought unto the Clerk in the Six Clerks Office ſince the 4*th* of *February* 1657, ſhould be entred and filed with the Six Clerks according to their ſeveral Dates; His Lordſhip doth declare, That it is not his intention to make good any Proceſs of contempt that iſſued out for not appearing, or not anſwering to any ſuch Bills not duly filed with the Six Clerks at the time of iſſuing out any ſuch Proceſs; nor to diſcharge any Coſts duly obtained, for want of due filing of any ſuch Bills with the Six Clerks; but for ſupporting of Injunctions and other proceedings upon the merits of the cauſe And it is ordered by his Lordſhip, That all Bills and other Proceedings brought or to be brought unto the Clerk in the Six Clerks Office for the future, ſhall be entred and filed with the Six Clerks, according to the ancient uſe and cuſtom of the Court.

Monday the 16*th* of April, 1660.

An Order between Walter Long, *Eſq; and the Lady* Jermyn, *touching the Regiſtery Office in* Chancery.

THE ſaid Parties appearing before us this day, upon complaint made by the Lady *Jermyn*, that Mr. *Long* had lately taken divers Books out of the ſaid Office, and carried them to another place, ſo as the buſineſs of the Office is hindred. And Mr. *Long* now deſiring time to be heard by his Councel; It is ordered, that both ſides attend as to be heard herein on *Thurſday* next; and in the mean time the buſineſs of the Office is to be done by the uſual Perſons, and in the uſual Place.

T. W. *C. S.*
T. J. *C. S.*

Lords Commiſſioners.

Thurſday the 19*th* of April, 1660.

Purſuant to the former Order.

WHereas complaint hath been made to their Lordſhips, that ſeveral Books and Papers belonging to the ſaid Office, have by force been lately taken away from thence by *Walter Long*, Eſq; accompanied with one *Robert Smith*, and others his Aſſiſtants therein, and carried away to another place, whereby the buſineſs of the Court hath been, and is hindred; and this was done pending a Reference of Parliament touching the ſaid Office, made to *Denzil Hollis*, Eſq; and Sir *Harbottle Grimſtone*, Baronet: And their Lordſhips have made an Order of the 16*th* of this Month for both ſides to be heard herein this day, touching the ſaid Books and Papers, and all Parties concerned with their Councel attending. Upon debate of the matter, and hearing what was offered on all ſides, their

their Lordſhips having reſpect to the buſineſs of the Court, and that the ſame may be carried on, and diſpatched without interruption, do think fit, and ſo order, that all the Books and Papers ſo removed, and by force taken and carried away out of the Regiſters Office aforeſaid, by the ſaid Mr. *Long*, and his Agents, and Aſſiſtants, and alſo the Book or Books ſeized upon, and taken away by one *Lanſelot Emot*, and his Aſſiſtants, and ſince delivered over to the ſaid Mr. *Long*, be by him the ſaid Mr. *Long* brought back, and delivered into the Regiſters Office in *Symonds-Inn* in *Chancery-Lane*, before *Saturday* the 28*th* inſtant, there to remain, and be diſpoſed into the hands of thoſe perſons who formerly had the ſame in their cuſtody. And their Lordſhips do further order and declare, That for the time to come, and until further Order, the buſineſs of the Office ſhall be done by the uſual Perſons, and in the uſual Place aforeſaid; for which their Lordſhips do underſtand, that a Rent hath been conſtantly paid, whereunto Mr. *Long*, or any for him, may have free liberty of acceſs. And as to the Order of the 19*th* of *October* laſt, made on the behalf of Mr. *Long*, their Lordſhips do declare, that they will take the ſame into their conſideration at the firſt General Seal after *Eaſter* next. And do further order and declare, That all perſons concerned, with their Councel, do then attend touching the ſame. And their Lordſhips do further declare, That this Order ſhall be without prejudice to the Right, Title, or poſſeſſion of any perſon or perſons concerned in the ſaid Office, or pretending any Right thereunto: And that the ſame is not intended by their Lordſhips to hinder or prejudice the ſaid Reference, or any Order or Award to be made by the ſaid Referees therein; but only, that the Affairs of the ſaid Office may be carried on peaceably, without diſturbance, for the good and benefit of the People, which they looked upon

as a thing of preſent neceſſity, and as a Duty incumbent upon their Lordſhips.

T. W. C.S.
T. J. C.S.

Thurſday the 21ſt. of June, 1660.

Concerning Records.

WHereas *Nicholas Strode*, Eſq; is duly ſworn, and admitted one of the Examiners of this Court, and is kept from the Execution of the ſaid Office by one *Robert Sheires*, Eſq; who detains the Exhibitants Records and Writings belonging to the ſaid Office, whereby many of the Suitors of the Court are prejudiced and delayed in their Cauſes. The Right Honourable the Lord Chancellor doth therefore order, that the ſaid Mr. *Sheires*, at his peril, doth forthwith upon ſight hereof, this night deliver the ſaid Records and Writings to the ſaid Mr. *Strode*.

Edw. Hyde, C. S.

Sabbati 15 die Novembris, Anno Regni *Caroli* ſecundi Regis 12. 1660.

Concerning Affidavits.

WHereas the Right Honourable the Lord Chancellor of *England*, and Maſter of the Rolls, have upon due conſideration had by their Honours of the preſent State of the Office of Regiſtring Affidavits in this Honourable Court, and the neceſſary uſe thereof, for preventing the imbezzeling and falſifying of Affidavits, whereby the Court hath been often abuſed, the courſe of Juſtice interrupted, and the Suitor apparently wronged or unduly prejudiced. And notwithſtanding Special Orders of the Court, heretofore made for that purpoſe, and by directions both publickly, and upon private Petitions given for due obſervation thereof;

thereof; yet the ſame hath been of late years ſo much neglected, as it is now found neceſſary for the Honour of the Court, the good of the Suitor, and the righting of the Officer, to give reformation thereunto. It is therefore this preſent day ordered by their Honours, That all Affidavits of this Court (except thoſe only which belong to the *Supplicavit* Office) ſhall before the ſame be executed in Court, or otherwiſe produced to ground any Order, Writs, Proceſs or Proceedings of Court thereupon, be brought into the ſaid Office of Regiſtring Affidavits, and be there filed and regiſtred. And that this Order, both at the Court at *Weſtminſter*, at the Seals, and at the Rolls, by the Officers of this Court, and all others whom the ſame doth or may concern, be duly obſerved and kept, at the perils of ſuch, as in contempt of this Honourable Court, ſhall preſume wilfully, or negligently to decline, and not obſerve the ſame. And further it is ordered by their Honours, that neither the Regiſter of this Court, his Clerks or Deputies ſhall, or do at any time hereafter draw up, ſign or ſet his, or their hand or hands unto any Order whatſoever granted upon any Affidavit, unleſs the Affidavit be firſt filed and regiſtred with the Regiſter of the Affidavits, and Atteſtation brought and ſhewed to the ſaid Regiſter of this Court, his Clerks or Deputies under the hand of the ſaid Regiſter of the ſaid Affidavits, or his Deputy attending in the ſaid Office. And it is further ordered by their Honours, that no Maſter of this Court ſhall accept of or take the Oath of any perſon to an Affidavit, except the ſame be fair and handſomely writ in one hand without blotting or interlining: And in caſe any Affidavit ſhall eſcape the ſaid Maſters of this Court, and paſs ſo blotted and interlined, under their or any of their hands, it is further ordered, That the Regiſter of the Affidavits, or his Deputy, ſhall thereupon refuſe the ſame, and that afterwards no uſe ſhall be made thereof in any the Proceedings of this Court.

And

And it is further ordered by their Honours, That all Affidavits taken, or henceforth to be taken before any Maſter of the Court, be brought unto the ſaid Regiſter of Affidavits, or his Deputy for the time being, to be there filed and regiſtred in ſome due and convenient time after the ſame be ſworn unto, and before uſe be made thereof in Court, as well to prevent the vexation and trouble of His Majeſty's Subjects in coming ſo often to enquire for ſuch Affidavits, before they come into the ſaid Office; as alſo that the parties againſt whom the Affidavits be made, may have time by their Councel to inform the Court of any cauſe of Exception they may have to alledge againſt the ſame, and that all the Clerks of the Court, and Solicitors of Cauſes there, ſhall by the end of *Hilary*-Term now next following, bring into the ſaid Office all ſuch Original Affidavits as ſhall remain in their hands, and cauſe the ſame to be there duly filed and regiſtred, at their perils. And to the end that none may have any excuſe of being ignorant hereof, it is laſtly ordered, That this Order, being fairly written, ſhall be ſet up in Tables, and ſo ſhall remain in the ſeveral Offices of the Regiſter, the Six Clerks, and of the ſaid Affidavits.

E H. C. *Har. Grimſtone.*

Anno 13 Car. *II. Reg.*

An Act for aſcertaining and eſtabliſhing of the Fees of the Maſters of the *Chancery* in Ordinary.

WHereas the Office of the Maſters in Chancery, is of very ancient Inſtitution, and of neceſſary uſe, and continual attendance for the diſpatch of the buſineſs depending in that Court; it appearing by ancient Records, that the conſtitution of that Court, was long before the Conqueſt; much of the Duty, Pains, and Attendance whereof, lieth on the ſaid Maſters; and for that it conduceth much to the Adminiſtration of Juſtice, that thoſe who exerciſe places of Truſt, ſhould

ſhould have competent and certain rewards, ſuitable to their pains and labour, whereby they may have due maintenance to ſupport the quality of their Places, and that it is but fitting and neceſſary for the Subject to allow a moderate payment, where they receive a proportionable advantage; a Fee of four pence, in times of that Antiquity, being as much in value as two ſhillings now; by reaſon whereof, in proceſs of time, and the improved rate of all neceſſaries, the preſent recompence of thoſe ancient Offices, is no way competent and proportionable to their pains and attendance, which are likewiſe very much increaſed, without any increaſe hitherto of what was ſo anciently allowed as aforeſaid: And for that it appears in all other Courts at Weſtminſter, *there is twelve pince taken for every Affidavit, and for that it hath been found inconvenient for Suitors to put in Anſwers, or return Commiſſions in the private Studies of the Maſters; ſo that through the difficulty of finding ſuch Anſwers and Commiſſions with what Maſter they were left, or through the Maſter's abſence at ſuch time as they were called for, it frequently happens, the perſons conceived to be in contempt, are expoſed to much trouble and charge thereby; and for that it is more proper, ſafe and ſatisfactory to the Subject in general, that Affidavits, Anſwers, Recognizances, and Acknowledgments of Deeds, ſhall be diſpatched in ſome publick, certain and open place, where the perſons that do the ſame, may be ſeen and known, rather than in private Studies or Houſes, for the more proper and ſolemn diſpatch of the aforeſaid buſineſs, and for the better encouragement of the aforeſaid Maſters in the due diſcharge of their places; be it enacted by the King's Moſt Excellent Majeſty, by, and with the advice and conſent of the Lords and Commons aſſembled in Parliament, and by the Authority of the ſame, That from and after the three and twentieth day of* October, *in the preſent year of our Lord* 1661. *there ſhall be one Publick Office kept, and no more, as near to the Rolls as conveniently may be; in which, the Maſters, ſome, or one of them ſhall conſtantly attend, for the adminiſtring of Oaths, caption of Deeds and Recognizances, and the diſpatch of all matters incident to their Office; refe-*

rences

rences upon Accounts, and inſufficient Anſwers only excepted, from the hours of ſeven of the Clock in the Morning until twelve at Noon; and from two in the Afternoon, until ſix at Night; and that from henceforth, it ſhall and may be lawful, to and for the Maſters of the Chancery in Ordinary, now being, and which hereafter for the time to come ſhall be, to demand and take the ſeveral Fees hereafter expreſſed; that is to ſay,

For every Affidavit, or Oath taken in the Office, 12d.

For every Bill of Coſts to be taxed by them, for the Plaintiff's not putting in his Bill, or not proceeding to Reply, or for the Defendant's not appearing in due time, 2s. 6d.

For the acknowledgment of every Deed to be enrolled, 2s.

For the caption of every Recognizance, 2s.

For every Exemplification examined by two of the ſaid Maſters, to each of the ſaid Maſters who ſhall examine the ſame, for every Skin of Parchment ſo examined, 2s.

For every Report, or Certificate to be made in perſuance of any Order made upon the hearing of the Cauſe, 1l.

And for every other Certificate, or Report of any Order made upon Petition or Motion only, 10s. *to be paid by the party that takes out the Report or Certificate,* 10s.

Any Law, Statute or Cuſtom to the contrary hereof in any wiſe notwithſtanding. And be it further enacted by the Authority aforeſaid, That if the ſaid Maſters of Chancery, or any of them ſhall hereafter, directly or indirectly, by any Act, Shift, Colour or Device, have, take or receive any Money, Fee, Reward, Covenant, Obligation, Promiſe, or any other thing for his Report, or Certificate in Writing, or otherwiſe, or for any other the matters in the Act expreſſed, other than the reſpective Fee or Fees in the Act before mentioned, that then every ſuch Maſter, being thereof legally convicted, ſhall thenceforth be diſabled from the execution of his ſaid Office of Maſter of the Chancery in Ordinary, and alſo ſhall forfeit and loſe for every ſuch Offence, to the party grieved in that behalf, ſo much Money as he or they ſhall take contrary to this preſent Act; and moreover ſhall loſe and forfeit 100l. *Sterling, whereof one moiety ſhall be to our Sovereign Lord the King,*

His

His Heirs and Succeſſors, and the other moiety to the party grieved in that behalf, who ſhall ſue by action of Debt, Bill, Plaint, Information or otherwiſe, in any of the King's Courts, for the recovery of the ſame; in which Action no Eſſoign, Protection or Wager at Law ſhall be allowed.

Mercurii 12 die Feb. Anno Regni *Caroli* II. Reg. 14. 1662.

Priviledge Writs and Writs in Forma Pauperis.

WHereas the Right Honourable the Lord High Chancellor of *England*, was this day informed by Mr. *Collins* on the behalf of ſeveral Officers and Clerks of the Court, that all ſmall Writs which paſs the Great Seal for all priviledged perſons, and for ſuch as are admitted to ſue in this Court in *Forma Pauperis*; and renewed Writs were, and uſually have been by ancient courſe, delivered to the Perſon for whom ſuch Writs have been ſealed, or to their Clerks, without paying of any Fee therefore, until of late, that one Mr. *Hutton*, a Clerk or Deputy to the Right Honourable the Lord *Newburgh*, through whoſe Office all Writs of that nature do paſs, hath refuſed to deliver the ſame without paying of Fees for the Seals thereof; his Lordſhip doth order, that all Writs which ſhall be Sealed for priviledged perſons, and for Suitors to this Court in *Forma Pauperis*, and renewed Writs, be from henceforth delivered to the perſons, for whom the ſame ſhall be Sealed, or to their Clerks, without paying or giving any Fee for the ſame. And the ſaid *Hutton* is required to obſerve this Order, and to conform thereunto accordingly.

Mercurii

Mercurii 20 die Aug. Anno Regni *Caroli* II. Regis 14. 1662.

Touching Inrollments of Patents.

WHereas upon the Humble Petition of the Six Clerks of His Majeſty's High Court of *Chancery*, on the 29*th*. of *April* laſt, preferred to the Right Honourable the Lord High Chancellor of *England*, ſhewing, that it having been their ancient and undoubted Right to inroll the Warrants of all ſuch Leaſes as paſs the Great Seal, which they peaceably and quietly enjoyed, until about the tenth year of the late King, one *Baſeley*, by colour of a Patent to him granted of inrolling the King's Deeds, did prefer ſeveral Petitions to the ſaid late King, and to the then Commiſſioners for exacted Fees, the Lord Keepers, *Coventry*, *Finch* and *Littleton*, that all ſuch Warrants might be delivered to him to be inrolled. But upon hearing the Six Clerks, he had no relief; but the Six Clerks, and their Predeceſſors enjoyed their ancient Right therein: And in the 11*th*. year of the ſaid late King, the Lord *Coventry* (upon careful examination thereof, with the concurrent opinion of the then Maſter of the Rolls, and Sir *John Banks* then Attorney General) did amongſt other of the Six Clerks Rights, certifie the ſaid late King, under his Hand, that it was the Right of the Six Clerks to inroll all Warrants for Patents whatſoever; and that it was the right of the Clerk of the Inrollments to inroll all Recognizances, *&c.* in the Cloſe Rolls, which were made from Subject to Subject, or from the Subject to the King, for the Subjects benefit, for the accuſtomed Fee; and (if the Attorney General, or Solicitor require it) to inroll any Deed or Writing, made to his Majeſty, for his own uſe, without Fee. Whereupon the ſaid late King, in the ſaid 11*th*. year of His Reign, confirmed the ſaid Rights (amongſt others) to the Six Clerks, and the Clerk of the Inrollments,

ments, with an Inhibition to all others to intermeddle with their ſaid Rights. Nevertheleſs Mr. *Kipps*, (upon a claim by Mr. *Hains*, by colour of the like Grant to him, as formerly to *Baſely*) refuſeth to deliver ſuch Warrants of Leaſes, that lately paſſed the Great Seal, to them, to be inrolled. And therefore they humbly prayed his Lordſhip, to order Mr. *Kipps*, to deliver the ſaid Warrants to the Riding Clerk to be inrolled, according to their Juſt Right. Whereupon his Lordſhip deſired the Maſter of the Rolls, to call all parties concerned before him, (having heard their ſeveral Allegations) to certifie his Lordſhip how he found the caſe between them; who having accordingly heard them, made his Report or Certificate to his Lordſhip in theſe words, 9 *July* 1662. To the Right Honourable the Earl of *Clarendon*, Lord High Chancellor of *England*: According to your Lordſhip's directions, the 29*th.* of *April*, 1662. Upon the Six Clerks Petition to have the Warrants of Leaſes delivered unto them by Mr. *Kipps*, to be inrolled, I have heard them; and *Hains*, with his Councel, who made it appear, that there had been ſeveral Patents of like nature to his, granted to ſeveral perſons, ſince the 26*th.* of *Henry* the 8*th.* In Anſwer whereunto the ſix Clerks ſay, that notwithſtanding the ſaid Patents, Mr. *Hains* doth not ſhew, that ever any of the ſaid Patentees did inroll any Warrants for Grants, that paſs the Great Seal; nor do any words, as I conceive in his, or any former Patents mentioned by him, extend to the inrollment of any ſuch Warrants. The Six Clerks further made it appear, that *Edward Baſeley*, the late Patentee, petitioned the late King againſt them in 1634. concerning the inrollments of his Majeſty's Deeds, which was referred to the Commiſſioners of exacted Fees; and I find in the year following, upon examination had by the Lord Keeper *Coventry*, with the concurrent Opinion of Sir *Julius Cæſar*, Maſter of the Rolls, and Sir *John Banks*, Attorney General, it was certified under the hand of the

the ſaid Lord Keeper, amongſt other things, to have been the due ancient Right, held and enjoyed by the Six Clerks, to inroll all manner of Warrants for Patent Leaſes, *&c.* whereby the ſaid Patent Leaſes, *&c.* paſs the Great Seal; whereupon his late Majeſty, by his Letters Patents, bearing date the *17th.* of *June*, 1635. to take away all queſtions, doubts and ambiguities that heretofore have been, or hereafter may be raiſed concerning the ſame; and to the end the Six Clerks, and their Succeſſors for ever after, might inviolably hold the ſame, did allow, approve, grant, ratifie and confirm the ſame. And it was therein declared to be His Majeſty's pleaſure, that the ſaid Warrants ſhall be deliver'd from time to time by him or them, in whoſe cuſtody they ſhall remain, to the Six Clerk who ſhall be riding Clerk for the time being, to the end the ſaid Warrants might be inrolled: His Majeſty, further by the ſaid Patent, ſtraitly charging and commanding, that no other perſon or perſons whatſoever ſhould from thenceforth encroach or uſurp upon them therein, or moleſt or diſturb them touching the ſame. And the Six Clerks accordingly, have ever ſince inrolled the ſaid Warrants; and before, and ever ſince have received the Fees due for the ſame. All which I humbly ſubmit to your Lordſhip's grave conſideration; as by the ſaid Report, remaining filed with the Regiſter of this Court, appeareth.

Har. Grimſtone.

And his Lordſhip having peruſed the ſaid Report, doth declare his Concurrence in Opinion with the Maſter of the Rolls, and doth therefore order and appoint the ſaid Mr. *Kipps* to deliver out the ſaid Warrants to be inrolled, as by the ſaid Petition is deſired.

Ma-

Maſter of the Rolls, *Sir* Thomas Eſtcott, *Sir* Mondeford Bramſtone.

Lunæ 25 die Januarii, Anno Regni *Caroli* II. Regis 15, 1663.

Concerning Subpœna's.

FOraſmuch as this Court was this day informed by His Majeſty's Attorney General, that one *John Hungerford* hath forged, made, and counterfeited *Subpœna's*, and that he hath put Seals thereon, like unto thoſe ſealed with the Great Seal, as by two Affidavits now produced and read in Court appeared. And further informing, that one *Theophilus Aylmer* had lately beſpoke, paid 18 *s.* for, and had from the ſaid *Hungerford* one forged and counterfeit *Subpœna* for 51 *l.* 31 *s.* 4 *d.* Coſts in a Cauſe depending in this Court between *Sharp* and *Brooks*; which coming to be examined before the Maſter of the Rolls, he committed the ſaid *Hungerford* and *Aylmer* for ſuch miſdemeanour, contempt and abuſe of this Court, unto the Priſon of the *Fleet*, who are ſtill in cuſtody. It was therefore prayed, that the ſaid *Hungerford* and *Aylmer* may be puniſhed, and made exemplary for ſuch their Miſdemeanour, Abuſe and Contempt of this Court, and his Majeſty's Great Seal. Whereupon it is ordered, that the ſaid *Hungerford* and *Aylmer* be brought into this Court, when the Right Honourable the Lord High Chancellor of *England* doth ſit in Court; and in the mean time, the Regiſter is to ſearch Preſidents of what hath been done by the Court in puniſhing Offences of like nature.

Mercurii 18 die Julii Anno Regni *Caroli* II. Regis 18. 1666.

Touching the Buſineſs of the Court divided according to the Letters of the Alphabet.

THE Right Honorable *Edward* Earl of *Clarendon*, Lord High Chancellor of *England*, and the Honourable Sir *Harbottle Grimſtone*, Baronet, Maſter of the Rolls, taking into their conſideration the manifold Diſorders and undue Practices which in the late times have crept into the Six Clerks Office, to the great Diſhonour of this Court, the Obſtruction of Juſtice, the Damage of the Client, and confuſion and loſs of the Records, and the ſeveral ways of redreſſing the ſame. And having divers times heard the Six Clerks and their Under-Clerks, concerning the ſettlement by diviſion of Letters, formerly (to this end) ordered by the Lord *Coventry*, late Lord Keeper of the Great Seal; and after long Deliberation, and ſeveral Conferences with ſome of the Reverend Judges, and of the King's Learned Counſel, finding no Expedient ſo equal and effectual for the due filing and eaſie ſearch of the Records, and the orderly Proceedings, and quiet Diſpatch in all Cauſes, nor ſo proper to prevent the Miſ laying and Imbezling the Records, and that Confuſion which is every day diſcovered from thence, to the extream Scandal of the Court, and Prejudice of the Subject, as the reviving and re-eſtabliſhing the aforeſaid Settlement: Do hereby Order and Ordain, That the ſaid Method be revived, and from henceforth obſerved by the preſent Six Clerks and their Succeſſors, and by their Under-Clerks, *viz.* that the receiving, filing, bundling and keeping of all Bills, Anſwers, Pleadings, and all Proceedings thereupon, and the making and expediting

diting of all Exemplications, Writs and Copies, of, or concerning the ſame, be divided among the ſaid Six Clerks and their Succeſſors reſpectively, by and according to the Letters of the Alphabet in manner following; that is to ſay, that all Bills, Anſwers, and other Pleadings of Clients in Cauſes wherein the Plaintiffs, or firſt Plaintiff's Sirname ſhall begin with *A. B. C. D. F.* or *Y.* and all Proceedings thereupon in the ſaid Six Clerks Offices, be from henceforth received, filed, bundled, and kept by Mr. *Pyndar* and Mr. *Bluck*, or one of them, and their Succeſſors in their Offices reſpectively, and by no other. And all Bills, Anſwers and other Pleadings of Clients in Cauſes wherein the Plaintiffs, or firſt Plaintiff's Sirname ſhall begin with *E. G. H. J. K. L. M. N.* or *O.* and all Proceedings thereupon in the ſaid Six Clerks Offices, be from henceforth received, filed, bundled and kept by Sir *Cyril Wych* and Mr. *Wilkinſon*, or one of them, and their Succeſſors in their Offices reſpectively, and by no other. And all Bills, Anſwers and other Pleadings of Clients, in Cauſes wherein the Plaintiffs, or firſt Plaintiff's Sirname ſhall begin with *P. Q. R. S. T. V. W. X.* or *L.* and all other Proceedings thereupon in the ſaid Six Clerks Offices, be from henceforth received, filed, bundled and kept by Sir *John Marſham* and Mr. *Longville*, or one of them, and their Succeſſors reſpectively, and by no other, in manner as formerly hath been done by the Six Clerks. And that all Croſs Bills, Bills of Reviver, and Bills of Review, and all Proceedings thereupon, be revived, filed, bundled and kept in the ſame Diviſion of Letters where the former Suit touching the ſame matter began, and not elſewhere: And all Exemplifications, Writs and Copies, of or concerning the ſame Bills, Anſwers, Pleadings and Proceedings thereupon, be made and expedited by them to whom the reviving, filing, bundling, and keeping of the Re-

cords doth belong, according to the Allotments of Letters aforeſaid, and by no other.

And it is further ordered and ordained, That if at any time hereafter there ſhall happen any difference to ariſe betwixt any of the Six Clerks touching any of their Under Clerks, or touching their Clients or their Cauſes, or touching the Filing of any Bill, Anſwer or Pleading, or other thing, according to the Diviſion of Letters aforeſaid, or any other Matters of their Offices, that then the ſaid Differences be from time to time examined by the reſt of the Six Clerks for the time being, whom ſuch Difference (for the preſent) ſhall not concern; who are to decide and determine the ſame, or otherwiſe to certifie the true State of the Fact, with their Opinion, to the Maſter of the Rolls.

And becauſe it is very manifeſt, that theſe Miſdemeanours and Enormities are gotten into the Office of the Six Clerks, by the Liberty and Licence which the inferiour Clerks have of late aſſumed to themſelves; and by their withdrawing their Obedience from, and their Dependence upon the Maſters of the ſeveral Offices in which they write, and by receiving too many Clerks of little or no Experience into the ſeveral Offices:

It is likewiſe further Ordered and Ordained, That every of the Six Clerks ſhall be limited and ſtinted to Twelve Clerks at the moſt, to ſerve immediately under him; whereof Six, at the leaſt, ſhall be expert in writing the Chancery Letter, and every of thoſe Twelve ſhall take a Corporal Oath before the Maſter of the Rolls, not to imbezel, falſifie, corrupt, raze, or deface any Bills, Anſwers, Pleadings, Commiſſions, Depoſitions, Warrants, Decrees, Diſmiſſions, or other Records whatſoever

ſoever belonging to the High Court of Chancery, and to deliver forthwith unto the Six Clerks reſpective-ly, or his Deputy, unopened, all Commiſſions and Depoſitions that ſhall come to their hands, to be kept ſafely and ſecretly by the Six Clerk till Publication; and after being copied, forthwith to return them.

ORDERS *heretofore uſed in* CHANCERY: *With ſuch Alteration and Additions as the Right Honourable* Edward *Earl of* Clarendon, *Lord High Chancellor of* England, *with the Aſſiſtance of the Honourable Sir* Harbottle Grimſton, *Baronet, Maſter of the Rolls, have thought fit to Ordain.*

Bills.

THAT no Counſellor do put his Hand to any Bill, Anſwer or other Pleading, unleſs it be drawn, or at leaſt peruſed by himſelf, in the Paper-draught, before it be Ingroſſed, (which they ſhall do well, for their own diſcharge, to ſign alſo after peruſal) and Counſel are to take care that the ſame be not ſtuffed with the repetition of Deeds, Writings or Records *in hæc verba*; but the effect and ſubſtance of ſo much of them only as is pertinent and material to be ſet down; and that in brief terms, without long and needleſs traverſes of points not traverſable, tautologies, multiplication of words, or other impertinencies, occaſioning needleſs prolixity, to the end the ancient brevity and ſuccinctneſs in Bills and other Pleadings, may be reſtored and obſerved; much leſs may any Counſel inſert therein matter meerly criminal or ſcandalous, under penalty of good Coſts to be laid on ſuch Counſel, to be paid to the party grieved, before ſuch Counſel be heard in Court.

If there be matter ſcandalous in a Bill, a Maſter of *Chancery* is to expunge it, and to tax Coſts for the Party ſcandalized; but if on ſuch reference the Maſter reports the Bill not ſcandalous, the party procuring ſuch

ſuch reference ſhall pay coſts to the Plaintiff for ſuch his reference.

That all Bills be dated the ſame day they are brought into the Six Clerks Office, and that no Six Clerk preſume to antidate any Bill, and that no Under-Clerk preſume to keep any Bill by him, but with the firſt opportunity deliver the ſame to the Six Clerk or his allowed Deputy, in his abſence to be accordingly filed.

No Bill, Anſwer, or other Pleading ſhall be ſaid to be of Record, or to be of any effect in Court, until the ſame be filed with ſuch of the Six Clerks with whom it ought properly to remain.

Subpœna's.

THAT all Plaintiffs may have liberty to take forth *Subpœna's ad reſpondendum*, before the filing of their Bills, if they pleaſe, notwithſtanding any late Order or Uſage to the contrary.

That every *Subpœna* to Anſwer, Revive, Review, Rejoyn, to Teſtifie or to hear Judgment, ſhall be ſerved perſonally, or left at the Defendant's dwelling-Houſe, or place of Reſidence, with one of the Family. And no Clerk of this Court ſhall iſſue any Attachment for not appearing, but upon *Affidavit* firſt made, poſitive and certain of the day and place of ſuch Service of the *Subpœna*, and the time of the Return thereof, whereby it ſhall appear that ſuch Service was made, if in *London*, or within twenty miles thereof, four days at the leaſt, excluding the day of ſuch Service: And if above twenty miles, then to have been eight days before ſuch Attachment entred; and that ſuch Attachment ſhall not be diſcharged, but upon payment of uſual Coſts, and ſo the ſucceeding Coſts be double.

'Note, That a *Subpœna* for to hear Judgment, is to be 'ſerved perſonally, or to be left at the Houſe of the 'party with one of the Family, ſave that you are to 'give fourteen days notice excluſive before the time 'to hear Judgment; but if it be in the ſhort Vaca-'tion between *Eaſter* and *Trinity* Term, you are to 'give but ten days notice, becauſe of the ſhortneſs of 'the Vacation.

'Now there is alſo a *Subpœna* for Coſts, not men-'tioned amongſt the *Subpœna's* in the general Rule, 'which is alſo to be perſonally ſerved, becauſe of de-'manding of the Coſts thereby required; and you 'cannot ſerve it otherwiſe, unleſs you have the 'Order of the Court, on an *Affidavit* that you can-'not find the Perſon to ſerve him perſonally, to 'leave it with the Clerk in Court, or otherwiſe, 'as the Court on a Motion or Petition ſhall direct, 'and that deemed good if perſonally ſerved.

'Now becauſe there are ſo frequent Miſtakes made 'to the the great prejudice of the Plaintiff, in ſer-'ving of *Subpœna's*, it is not amiſs if you under-'ſtand how to ſerve it rightly; Now if the *Sub-'pœna* be againſt only one, then you may leave 'the Body at ſuch perſon's place of aboad, or ſerve 'him with the Label if you meet him perſonally; 'but if one or two more are in the *Subpœna*, two 'are to be ſerved perſonally, and the Body under 'Seal ſhewed to them at the time of ſuch ſervice, 'and the Body may be ſerved perſonally, or left at 'the Houſe, as you pleaſe, of the other perſon.

Plea

Pleas and Demurrers.

FOraſmuch as the Defendant being ſerved with Proceſs to anſwer, may by advice of Counſel, upon ſight of the Bill only, be enabled to demur thereunto, if there be cauſe, or may by like advice, be enabled to put in any juſt Plea which he hath, in diſability of the perſon of the Plaintiff, or to the Juriſdiction of the Court: It is therefore ordered, that ſuch Demurrer or ſuch Plea in diſability, or to the Juriſdiction of the Court, under the hand of Counſel learned, ſhall be received and filed, although the Defendant do not deliver the ſame in perſon, or by Commiſſion. And therefore, if the Defendant ſhall pray a Commiſſion, and thereby return a Demurrer only, or only ſuch a Plea which ſhall be afterwards over ruled, the Defendant ſhall pay five Marks Coſts: And although it be allowed, the Defendant ſhall have no Coſts, in reſpect of the Plaintiff's needleſs trouble occaſioned by ſuch Commiſſion.

Every Demurrer ſhall expreſs the ſeveral Cauſes of Demurrer, and ſhall be determined in open Court. And ſuch Pleas alſo as are grounded upon the Subſtance and Body of the Matter, or extend to the Juriſdiction of the Court, ſhall be determined in open Court; and for that purpoſe, the Defendant is to enter the ſame with the Regiſter, within eight days after the filing thereof; or in default of ſuch Entry made, the ſame ſhall be diſallowed of courſe, as put in for delay. And the Plaintiff may then take out Proceſs to enforce the Defendant to make a better Anſwer, and pay 40 *s.* Coſts; and the ſame ſhall not afterwards be admitted to be ſet down or debated, unleſs upon Motion it ſhall be ordered by the Court: And if any Cauſe of Demurrer ſhall ariſe, and be inſiſted on at the debate of the Demurrer (more than

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is particularly alledged) yet the Defendant ſhall pay the ordinary Coſts of over-ruling a Demurrer (which is hereby ordered to be five Marks Coſts) if thoſe Cauſes which are particularly alledged be diſallowed: Although the Bill, in reſpect of that particular ſo newly alledged, ſhall be diſmiſſed by the Court.

A Plea of Outlawry, if it be in any Suit for that duty, touching which Relief is ſought by the Bill, is inſufficient according to the Rule of Law, and ſhall be diſallowed of courſe, as put in for delay: And the Plaintiff may, notwithſtanding ſuch Plea, take out Proceſs to enforce the Defendant to make a better Anſwer, and pay five Marks Coſts; otherwiſe a Plea of Outlawry is always a good Plea, ſo long as the Outlawry remaineth in force: And therefore the Defendant ſhall not beput to ſet it down with the Regiſter. And after the ſaid Outlawry reverſed, the Defendant upon a new *Subpœna* ſerved on him, and payment unto him of 20 *s.* Coſts, ſhall anſwer the ſame Bill, as if ſuch Outlawry had not been: But if the Plaintiff conceive ſuch Plea of Outlawry through Miſpleading or otherwiſe, to be inſufficient, he may, upon notice given to the Clerk on the other ſide, ſet it down with the Regiſter, to be debated with the reſt of the Pleas and Demurrers in courſe: But if the Plaintiff ſhall not in ſuch caſe enter it with the Regiſter, within eight days after the ſame ſhall be filed, the Defendant may take out Proceſs againſt the Plaintiff, for his ordinary Coſts of five Marks, as if the ſame had been heard.

The dependency of a formerSuit for the ſameMatter, is alſo a good Plea, and therefore the Defendant ſhall not be put to ſet it down with the Regiſter: But if the Plaintiff be not ſatisfied therewith, the ſame ſhall be referred to one of the Maſters of the Court, to certifie the truth thereof, and if it ſhall be determined againſt the Plaintiff, he ſhall pay five pounds Coſts to the Defendant. But if ſuch Reference ſhall be procured

cured by the Plaintiff, and if a Report thereupon within one Month after the filing of ſuch Plea, then the Bill to ſtand diſmiſt of courſe, with the ordinary Coſts of ſeven Nobles.

If after a Suit commenced at the Common Law, or any other inferior Court, a Bill ſhall be exhibited in this Court, to be relieved for the ſame Matter, the dependency of the former Suit ſhall be admitted as a good Plea, and the Defendant not to be put to Motions for an Election or Diſmiſſion; and that Plea ſhall be proceeded in, as in caſe of a Plea of a former Suit depending in this Court for the ſame Matter.

After a Contempt duly proſecuted to an Attachment, with Proclamation returned, no Commiſſion to anſwer ſhall be made, nor no Plea or Demurrer admitted, but upon Motion in Court, and *Affidavit* made of the Party's Inability to travel, or other good Matter, to ſatisfie the Court touching that delay.

Anſwers.

AFter a Commiſſion once obtained to anſwer, no ſecond Commiſſion ſhall be granted without ſpecial Order of the Court, upon good reaſon ſhewed to induce the ſame, or the Plaintiff's own aſſent.

An Anſwer to a Matter charged as a Defendant's own Fact, muſt regularly be, without ſaying, *To his remembrance*, or *As he believeth*, if it be laid to be done within ſeven years before, unleſs the Court, upon Exception taken, ſhall find ſpecial cauſe to diſpenſe with ſo poſitive an Anſwer: And if the Defendant deny the Fact, he muſt traverſe or deny it (as the Cauſe requires) directly, and not by way of negative pregnant. As if he be charged with a Receipt of a Sum of Money, he muſt deny or traverſe, that he hath not received that Sum, or any part thereof, or elſe ſet forth what part he hath received. And if a Fact be laid to

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be done with divers circumſtances, the Defendant muſt not deny or traverſe it literally, as it is laid in the Bill, but muſt anſwer the point of Subſtance poſitively and certainly.

When the Defendants have anſwered, the Plaintiffs and their Counſel are ſeriouſly to adviſe of the Anſwers, and if they find that upon the Anſwer alone without farther proof, there be ſufficient ground for a final Order or Decree, to proceed upon anſwer without farther lengthning of the Cauſe. Or if it be needful to prove one or a few particular points, to reply unto thoſe points, and not to draw into Pleadings or Proofs any more than thoſe neceſſary points, thereby making long Books, and putting both ſides to unneceſſary Charges, the Defaulters herein to be puniſhed by paying the Charge of the Copies, or otherwiſe as cauſe ſhall require.

If a Hearing be prayed upon Bill and Anſwer, the Anſwer muſt be admitted to be true in all points, and no other Evidence to be admitted, unleſs it be Matter of Record, to which the anſwer refers, and is proveable by the Record: The Plaintiff is therefore to be well adviſed, that the Court be not put to unneceſſary trouble, and himſelf to a certain charge, in bringing his Cauſe to hearing, which will not bear a Decree.

Excep-

Exceptions.

WHEN a Plaintiff excepteth to a Defendant's Anſwer, he ſhall ſet down his Exceptions in Writing; and if the Anſwer be filed in Term-time, he ſhall, the ſame Term, or within eight days after that Term, deliver the ſame Exceptions to the Counſel, whoſe hand is to the Anſwer, or to the Defendant's Clerk in Court: And if the Defendant do within eight Days after ſuch Delivery ſatisfie the Plaintiff of the Invalidity of thoſe Exceptions, or amend the Anſwer in the ſame time, or agree with the Plaintiff or his Clerk or Solicitor, to amend it accordingly, and pay 20 *s.* Coſts, the Plaintiff ſhall go on to reply: But if the Defendant ſhall fail to do the ſame, or put in a ſecond inſufficient Anſwer, the Plaintiff may get the Anſwer or Anſwers referred: And if the ſame ſhall be ruled inſufficient, the Defendant ſhall pay 40 *s.* Coſts. But if an Anſwer be filed in Vacation-time, then the Plaintiff ſhall have eight Days in the beginning of the next Term, if he ſee cauſe, to put in his Exceptions, and deliver them in Writing in like manner, as before is appointed; and the Defendant, within eight Days after ſuch delivery to proceed as is before ordered.

If the Plaintiff ſhall procure a Reference of an inſufficient Anſwer within the time before limited, and the ſame be reported good, the Plaintiff ſhall pay the Defendant 40 *s.* Coſts.

If the firſt Anſwer be certified inſufficient, and ruled ſo, the Defendant ſhall pay 40 *s.* Coſts, as aforeſaid, if the Anſwer was put in Perſon: But if the ſame came in by Commiſſion, the Defendant ſhall have 50 *s.* Coſts, and no new Commiſſion ſhall be Awarded for taking a ſecond Anſwer, unleſs it be by Or-

Order, upon Affidavit made of the Party's Inability to travel, or other good matter, to ſatisfie the Court touching that Delay, and firſt paying the Coſts of ſuch inſufficient Anſwer, or by the Plaintiff, or his Clerk's Aſſent for expediting the Cauſe.

If the ſecond Anſwer be reported inſufficient unto any the Points formerly certified, the Defendant ſhall pay Three Pounds Coſts: And upon the third inſufficient, Four Pounds Coſts: And upon a fourth Anſwer certified inſufficient, he ſhall pay Five Pounds Coſts, and be examined upon Interrogatories to the Points reported inſufficient, and ſhall be committed until he hath perfectly anſwered thoſe Interrogatories, and paid the Coſts, in reſpect of the great Vexation and Delay which in ſuch Caſes will happen to the Plaintiff.

No *Subpœna Ad rejungendum* ſhall be of force, unleſs there be a Replication filed in the Cauſe, according to the courſe of the Court, before the iſſuing out of the ſaid *Subpœna*, or at leaſt, before the Return thereof: And the Parties upon whom ſuch *Subpœna* ſhall be ſerved, finding no Replication filed before the Return thereof, ſhall have the ordinary Coſts taxed, according to the courſe of the Court.

Examination of Witneſſes.

WHEN the Parties are at Iſſue, and proceed to examine Witneſſes, the Interrogatories are to be penned with care, that the ſame be pertinent, and only to the points neceſſary, and the Witneſſes are to be ſorted and examined on thoſe Interrogatories only that their Teſtimony doth extend unto, without the needleſs Interrogatories of Matters unneceſſary or immaterial, as well to avoid the Charge of both Parties, Plaintiff and Defendant, in ſuperfluous Examinations, as the apt Interrogatories (which are the Life of the Cauſe) may be exhibited.

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No Witneſs ſhall be examined in Court by the Examiner, without the privity of the adverſe Party, or of his Clerk who deals for the adverſe Party, to whom the perſon to be examined ſhall be ſhewed, and a Note of his Name or place of dwelling delivered in writing, by ſuch as ſhall produce him; and the Examiner is to take care, and be well ſatisfied that ſuch notice be given, and then ſhall add to the Title of the Witneſſes Examination the time of ſuch notice given, and the Name of that perſon to whom it is given, and by whom, that at the hearing of the Cauſe, the Suitor be not delayed, upon pretence of want of notice.

When Witneſſes are examined in Court upon a Schedule of Interrogatories, there ſhall be no new Interrogatories put in to examine the ſame Witneſſes, nor ſhall any Witneſſes be examined in Court after the day of Publication, though they were ſworn before, ſo as a Copy of the Rule or Order whereby Publication paſſed, be delivered to the Examiner, that he may take notice thereof.

That all Copies of Bills, Anſwers, Depoſitions, or other Record, or thing whatſoever belonging to the Six Clerk to copy, ſhall contain fifteen lines, at leaſt, in every Sheet of Paper, written fairly and orderly, and unwaſtefully: And that no ſuch Copy ſhall be henceforth delivered out of the Office, before it be ſigned by ſuch Six Clerk to whom it belongeth, with his own proper Hand-writing, or by his Deputy in his abſence.

Nor any Copy not ſo ſigned, ſhall be made uſe of in Court, or before any Maſter; which all Clients are to take notice of, to the end they may be prepared with ſuch Copies at the hearing of their Cauſes.

And whereas many Inconveniencies do frequently ariſe by undue copying Bills, Anſwers and other Pleadings, before they be filed, ſo as they are neither filed, or very irregularly, to the prejudice of the Client, and trouble to the Court, by unneceſſary Motions:

ons: It is therefore ordered, That no Under-Clerk, or his Man, or other for him, do from henceforth presume to copy any Bill, or other Pleading whatsoever, before it be duly filed with the proper Six Clerk, who ought to file the same.

For preventing of Perjury, and other Mischiefs often appearing to the Court, the Examiner is to examine the Deponent to the Interrogatories directed, *seriatim*, and not permit him to read over, or hear read any other Interrogatories, until that in hand be fully finished; much less is he to suffer the Deponent to have the Interrogatories, and pen his own Depositions, or depart after he hath heard an Interrogatory read over, until he hath perfected his Examination thereunto.

And if any Witness shall refuse so to conform himself, the Examiner is thereof to give notice to the Clerk of the other side, and to proceed no farther in his Examination, without the Consent of the said Clerk, or Order made in Court to warrant his so doing.

The Examiner shall not examine any Witnesses, to invalid the Credit of any other Witness, but by special Order of the Court, which is sparingly to be granted, and upon Exceptions filed with the Examiner without Fee, and notice thereof given to the adverse Party or his Clerk, together with a true Copy of the said Exceptions, at the Charge of the Party so examining.

The Examiners (in whom the Court reposeth much Confidence) are themselves in person to be diligent in Examination of Witnesses, and not intrust the same to mean and inferior Clerks; and are to take care to hold the Witness to the point interrogated, and not to run into Extravagancies, and Matters not pertinent to the Question, thereby wasting Paper for their own Profit, of which the Court will expect a strict Account.

The Examiners are to take care that they employ under them in their Office, none but persons of known Inte-

Integrity and Ability, who ſhall take an Oath, Not to deliver or make known, directly or indirectly, to the adverſe Party, or any other ſave the Deponent, who comes to be examined in any of the Interrogatories delivered, to be examined upon any Examination by him taken, or remaining in the Examiners Office, an Extract, Copy or Breviate thereof, before Publication be thereof paſſed, and the Copies thereof taken. And if any ſuch Deputy, Clerk, or Perſon ſo employed, ſhall be found faulty in the Premiſſes, he ſhall be expulſed the Office; and the Examiner who ſo employed him, ſhall be alſo anſwerable to the Court for ſuch Miſdemeanor, and to the Party grieved, for his Coſts and Damages ſuſtained thereby: And ſuch Solicitor or other perſon, who ſhall be diſcovered to have had a hand therein, ſhall be liable to ſuch cenſure for the Offence, as the Court ſhall find juſt to inflict upon him.

In examining of Witneſſes, the Examiner ſhallnot uſe any idle Repetitions, or needleſs Circumſtances, nor ſet down any Anſwer to the Queſtion; to which the Examinant cannot depoſe, other than thus; *To ſuch an Interrogatory this Examinant cannot depoſe.* And in caſe ſuch Impertinencies be obſerved by the Court, the Examiner is to recompence the Charge thereof to the Party grieved, as the Court ſhall award.

That after Witneſſes examined in Court, there ſhall be Two Rules only given for Publication, *viz.* an ordinary Rule, and then a Day to ſhew cauſe why Publication ſhou'd not paſs; and upon the Return of a Commiſſion, One Rule only to be given; within which times aforeſaid, if the other ſide do not ſhew unto the Court good Cauſe unto the contrary, Publication ſhall paſs accordingly.

All Pleadings, Commiſſions, Certificates, belonging to the Six Clerks to receive, ſhall immediately upon the bringing in or Return thereof into this Court, be delivered to ſuch Six Clerk's own Hands as ſha'l be

Attorney in the Cauſe, or to the Hands of his Deputy in his abſence; and not to be from henceforth in any wiſe kept back, nor any Depoſitions or Anſwers taken by Commiſſion, or other Commiſſion to be opened by any of their Under-Clerks, before they be ſo delivered.

No Bills, Warrants, Pleadings, Commiſſions, Decrees, Diſmiſſions, or other Records whatſoever, ſhall from henceforth be carried to be ingroſſed, inrolled, copied, or otherwiſe uſed by any of the Under-Clerks to their Chambers, or elſewhere out of the Six Clerks Office, or Lodgings there; and ſo ſoon as any Clerk ſhall have ingroſſed, inroled, copied, or uſed any ſuch Warrant, Pleading, Commiſſion, Decree or other Record in the ſaid Office, he ſhall bring the Original thereof preſently back to ſuch Six Clerk to whom the Cuſtody thereof doth belong, for the more ſafe keeping and diſpoſing thereof, according to the ancient Uſage.

Commiſſions.

WHEN a Commiſſion is awarded to examine Witneſſes, if by default of him that hath the carriage of the Commiſſion, or by his Commiſſioners nothing is done, he ſhall bear all the charges that the other ſide was put unto about that Commiſſion, either for Fees of Court, bringing or entertaining Commiſſioners or Witneſſes, or otherwiſe, to be aſcertained by the Oath of the Party, or of him that diſburſed the Money for him, and ſhall renew the Commiſſion at his own charges.

When a Commiſſion is awarded to examine Witneſſes, and the one ſide produceth and examineth all his Witneſſes, and the other ſide doth not, but prays a new Commiſſion; if it be granted, he ſhall bear all the charges of the renewed Commiſſion, both in Court and in the Countrey, as well for the charge and Entertainment of his own Commiſſioners, as of the

the Commiſſioners on the other ſide; and the other ſide ſhall be permitted to croſs-examine the Witneſſes produced by him that reneweth the Commiſſion: But if he will examine any other Witneſſes of his own, then he ſhall bear his own part of the charge; the charges herein mentioned to be aſcertained by the Oath of the Party, or of him that diſburſed the Money for him.

He, at whoſe inſtance a Commiſſion to examine Witneſſes after a former Commiſſion executed and returned, is once renewed; and he, by whoſe default, or by default of his Commiſſioners, a former Commiſſion was not executed, and thereupon it is renewed, ſhall at his peril examine all his Witneſſes by that renewed Commiſſion, or examine them in Court by the End of the Term, wherein that renewed Commiſſion is returnable, without any more or farther delay.

That no Commiſſion *Ad examinandum Teſtes* be executed in *London*, or within ten miles thereof, without ſpecial Order firſt obtained upon *Affidavit* made of the Parties Inability to travel, or other good Matter. And that all Depoſitions taken by Commiſſion in *London*, or within ten miles thereof, without ſpecial Order as aforeſaid, ſhall ſtand ſuperceded and ſuppreſſed *ipſo facto*, and not allowed to be read as Evidence at the hearing of the Cauſe. And the Parties who ſhall cauſe the ſame to be executed, ſhall ſuffer ſuch puniſhment for their Contempt and Irregularity, as the Court ſhall think fit.

Depoſitions.

WHere either the Party, Plaintiff or Defendant, obtaineth an Order to uſe Depoſitions of Witneſſes taken in another Cauſe, the adverſe Party may likewiſe uſe the ſame without Motion, unleſs he be, upon ſpecial reaſon ſhewed to the Court by that

Party firſt deſiring the ſame, inhibited by the ſame Order ſo to do.

No Motion ſhall be made in Court, or by Petition for ſuppreſſing of Depoſitions as irregularly taken, until the Six Clerks, not towards the Cauſe, have been firſt attended with the Complaint of the party grieved, and certifie the true ſtate of the Fact to the Court, with their Opinion; if the Attornies or Clerks on either ſide ſhall not for the caſe of their Clients agree before them: For which purpoſe, a Rule for Attendance of the Six Clerk in ſuch caſe, ſhall be entred of courſe with the Regiſter at the deſire of the Party complaining, which ſhall warrant their Proceedings, and Certificate to the Court.

Cauſes to be ſet down for hearing.

THE Six Clerks, who are the only Attornies in this Court, ought to inform themſelves continually of the State and Proceedings of their Clients Cauſes, and to give Account to the Clerk, as the Attornies in all other Courts do, and not to leave the Care and Knowledge thereof upon their Under-Clerks, who attend not in Court, and the Clients and ſuch as follow their Cauſes, are to acquaint their Attornies for that purpoſe.

Such as deſire to have their Cauſes ſet down for hearing, muſt repair to the Six Clerk that is Attorney in the Cauſe, at leaſt ſix days before the end of the Term, that the Six Clerk may inform himſelf of the ſtate of the Cauſe, of the long or ſhort dependance thereof in Court, of the antiquity of the Publication, of the weight or value of the Cauſe, and all other Circumſtances material to inform the Lord Chancellor, Lord Keeper or Maſter of the Rolls, at the time of the ſetting down of Cauſes, and the Six Clerk may not refuſe to offer the ſame to be ſet down, if he be attended in ſuch time as aforeſaid, nor come unprepared to inform the Lord Chancellor, Lord Keeper, or the Maſter

ſter of the Rolls, of the nature and circumſtance of the Cauſe aforeſaid. And neither he nor any of his Under-Clerks, nor any of the Regiſters, are to take any Fee, Gratuity or Reward for the ſame.

No Money, or other Reward, ſhall in any wiſe be exacted, or taken directly by any of the Six Clerks, or any of the Regiſters for, or in their behalf, for the preferring and ſetting down of any Cauſe for hearing; but only ſuch Fees as are behind, and unpaid of their Termly Fees and Duties, (if any be,) and if any Cauſe happen to be ſet down for hearing, wherein they ſhall not have been ſatisfied their due Fees and Duties, they may alledge the ſame in ſtay of hearing the Cauſe.

Proceedings in hearing Cauſes.

WHere no Councel appears for the Defendant at the hearing, and Proceſs appear to have been duly ſerved, the Anſwer of ſuch Defendant ſhall be read; and if the Court, upon ſuch hearing, ſhall find Cauſe to decree for the Plaintiff, yet a day ſhall regularly be given to the Defendant to ſhew cauſe againſt the ſame; but before he be admitted thereunto, he ſhall pay down to the Plaintiff, or his Attorney in Court, ſuch Coſts as the Court upon that hearing ſhall aſſeſs, and the Order is to be penned by the Regiſter accordingly (*viz.*) *'Tis decreed ſo and ſo*, &c. Unleſs the Defendant ſhall by ſuch a day pay to the Plaintiff, or his Attorney in Court, Coſts, and ſhew good Cauſe to the contrary; and ſuch Defendant upon his ſhewing Cauſe, ſhall firſt produce a Certificate from the Plaintiff's Attorney in Court, that he hath paid the Coſts, or *Affidavit* of Tender or refuſal thereof.

Contempts.

ALL Proceſs of Contempt ſhall be made out into the County where the Party proſecuted is reſident, unleſs he ſhall be then in or about *London*; in which caſe, it may be made in the County where the Party then

is. And if any perſon ſhall be taken upon Proceſs otherwiſe, or irregularly iſſued, the Party ſo taken firſt appearing unto, and ſatisfying the Proceſs which did regularly iſſue againſt him, ſhall be diſcharged of his Contempt, and have his full Coſts to be taxed of courſe by the Six Clerk not toward the Cauſe, for ſuch undue or irregular Proſecution from the time that the Error firſt grew, without Motion or other Order.

Every Suitor who proſecuteth a Contempt, ſhall do his beſt endeavour to procure each ſeveral Proceſs to be duly ſerved, and executed upon the Party proſecuted; and his wilful default therein appearing to the Court, ſuch perſon offending, ſhall pay unto the party grieved good Coſts, and loſe the benefit of the Proceſs returned without ſuch endeavour.

All Attachments in Proceſs ſhall be diſcharged upon the Defendant's payment, or tender to the Plaintiff's Clerk, and refuſal of the ordinary Coſts of the Court, and filing his Plea, Anſwer or Demurrer (as the Caſe regularly requires;) but yet, upon Motion in Court, or Petition in that behalf.

And if after ſuch Conformity and Payment of the Coſts, (or tender and refuſal thereof) any farther Proſecution ſhall be had of the ſaid Contempt, the Party proſecuted ſhall be diſcharged with his Coſts.

If after Appearance and Interrogatories exhibited as aforeſaid, the Party appearing ſhall depart before he be examined (without leave of the Court) he is upon Motion and Certificate from the Regiſter, of ſuch his departing and not being examined, and of the Interrogatories exhibited from the Examiner, to ſtand committed, without farther day given unto him, and is not to be diſcharged from ſuch his Contempt, until he hath been examined and cleared of his Contempt. And if he ſhall upon his Examinations, or by Proofs be found in Contempt, he ſhall clear ſuch his Contempt, and pay the Proſecutor his Coſts, before he be diſcharged of his Impriſonment. And although he be cleared

cleared of his ſaid Contempt, yet he ſhall have no Coſts, in reſpect of his diſobedience in not being examin'd without the Proſecutor's trouble and charge in moving the Court as aforeſaid.

In caſe of Proſecution of a Contempt for breach of an Order of Court, or otherwiſe, grounded upon an *Affidavit*, the Interrogatories ſhall not be extended to any other Matter than what is comprehended in the ſaid *Affidavit* or Order. And if any other ſhall be exhibited, the Party examined may for that reaſon demur unto them, or refuſe to anſwer them.

When the Party proſecuted upon a Contempt, hath denied it, or the ſame doth not clearly appear by his Examinations, the Proſecutor may take out a Commiſſion of courſe to prove the Contempt; and in ſuch caſe the Party proſecuted may name one Commiſſioner to be preſent at the Execution of the Commiſſion, and may henceforth (notwithſtanding the former Uſage to the contrary) croſs examine the Witneſſes produced againſt him to prove the Contempt; but is not to examine any Witneſſes on his part, unleſs he ſhall ſatisfie the Court touching ſome Matter of Fact neceſſary to be proved for clearing the truth. In which caſe the Court, if there be cauſe, will give leave to him to examine Witneſſes to ſuch particular points ſet down, and the other ſide may croſs examine ſuch Witneſſes; but the Interrogatories on both ſides are to be included in the Commiſſion.

Where a Contempt is proſecuted againſt one, who by reaſon of Age, Sickneſs, or other cauſe, is not able to travel. Or in caſe the ſame be againſt many perſons, who are Servants or Workmen, that live far off, the Court will, upon Motion and *Affidavit* thereof, grant a Commiſſion to examine them in the Countrey; which Commiſſion ſhall be ſued out and executed at the charge of the perſon or perſons deſiring it, directed to ſuch indifferent Commiſſioners, as the Proſecutors of the Contempt ſhall name (as in other Caſes)

and one Commiſſioner only, at the nomination of the Party proſecuted, as aforeſaid. Which Commiſſion ſhall be executed at ſuch convenient time and place, as the Six Clerks not toward the Cauſe, upon hearing the Clerks upon both ſides ſhall ſet down.

Upon every Examination and Proof of a Contempt referred to any of the Maſters of the Court, to certifie whether the Contempt be confeſſed, or proved, or not: The Maſter in his Certificate thereof made to the Court, ſhall likewiſe aſſeſs and certifie the Coſts to either Party as there ſhall be cauſe, without other Order or Motion made for that purpoſe.

Commitment.

THE Court being tender of the Liberty of Mens perſons, and to avoid their Impriſonment upon malicious *Affidavits*, which are often made by a mean and ignorant perſon, and which hath heretofore by the courſe of the Court drawn on a Commitment, doth order, That from henceforth, where Oath ſhall be made of Miſdemeanor in beating or abuſing the Party, upon ſuing the Proceſs or Orders of the Court, the Party offending ſhall ſtand committed upon Motion, and no Examination is in that Caſe to be admitted.

And when *Affidavit* ſhall be made by two perſons of ſcandalous or contemptuous Words againſt the Court, or the Proceſs thereof, the Party offending, ſhall likewiſe ſtand committed upon Motion, without any farther Examination. And a ſingle *Affidavit* in ſuch caſe ſhall be ſufficient to ground an Attachment, whereupon ſuch perſon ſhall be brought in to be examined; and if the Miſdemeanor ſhall be confeſſed, or proved againſt him, he ſhall ſtand committed until he ſatisfie the Court touching his ſaid Miſdemeanor, and pay the Proſecutor his Coſts. And if he ſhall not be thereof found guilty, ſave by the Oath of the Party who made ſuch *Affidavit*, he ſhall be diſcharged, but without any Coſts, in reſpect of the Oath made againſt him as aforeſaid.

De-

Decrees and Diſmiſſions.

THAT all Decrees and Diſmiſſions pronounced upon hearing the Cauſe in this Court, be drawn up, ſigned and inrolled before the firſt day after the next *Michaelmas* or *Eaſter* Term, after the ſame ſhall be ſo pronounced reſpectively, and not at any time after, without ſpecial leave of the Court.

When the Party is committed, or brought in by a Serjeant at Arms for breach of a Decree, he is not to be enlarged until he hath performed the Decree in all things that are to be preſently done, and given Security by Recognizance with Sureties, as the Court ſhall order, to perform the other parts of the Decree (if any be to be performed) at future days and times appointed by the Decree.

No Decree or Diſmiſſion ſhall be preſented by the Regiſter of this Court, or his Deputy, or any other, to the Lord Chancellor, Lord Keeper or Maſter of the Rolls, to be ſigned, before it be ſigned by that Six Clerk to whom it belongeth, of his proper Hand-writing, or by his Deputy in his abſence.

To the intent the Decrees and Diſmiſſions of this Court may be eaſily found upon ſearch, the Six Clerks are to keep a publick Book for the entring of all Decrees and Diſmiſſions which have been made and ſigned by the Lord Chancellor, ſince the 29th. of *May*, 1660. and which ſhall be made and ſo ſigned in this Court: And to that end, the Regiſter ſhall at the beginning of every Term deliver unto one of the Six Clerks a Liſt of all Decrees and Diſmiſſions ſigned by the Lord Chancellor, the Term and Vacation before.

If a Bill be regularly and juſtly diſmiſſed of courſe, or by Order for want of Proſecution, no Motion ſhall be admitted for the Retainer thereof, without a Certificate from the Defendant's Attorney in Court, that the Coſts of the Diſmiſſion are paid, to the end unneceſſary Charge to the Parties by ſeveral Motions

ons for one and the ſame Matter, may henceforth be avoided.

Maſters.

THAT the Maſters do not paſs any Exemplifications of Depoſitions taken in *Chancery*, upon a bare ſight of the Copies only, without firſt calling the Officer or Officers, who have the cuſtody of the Records or Originals of ſuch Copies, or ſome ſworn Clerk of his or their Office, who are to produce the ſame before them, to warrant their ſigning thereof. The Maſters are not upon the Importunity of Councel (how eminent ſoever) or their Clients, to return ſpecial Certificates to the Court, unleſs they are required by the Court ſo to do, or that their own Judgment, in reſpect of difficulty leadeth them to it; ſuch kind of Certificates for the moſt part occaſioning a needleſs trouble, rather than eaſe to the Court, and certain expence to the Suitor.

Their Certificates and Reports are to be drawn as ſuccinctly as may be (reſerving the Matter clearly for the Judgment of the Court) and without recital of the ſeveral points of the Orders of reference (which do ſufficiently appear by the Orders themſelves) or the ſeveral debates of Councel before them; unleſs that in caſe where they are doubtful, they ſhortly repreſent to the Court the reaſons which induce them ſo to be.

The Maſters of the Court are to take notice, That when the Court requires to be ſatisfied from them, touching any Matter alledged to be confeſſed, or ſet forth in the Defendant's Anſwer; it is intended, That without farther Order, they ſhould take conſideration of the whole Anſwer or Anſwers of the Defendants, and certifie, not only whether the Matter be ſo confeſſed or ſet forth; but alſo any other Matter, avoiding that Confeſſion, or ballancing the ſame, that the Court may receive a clear and true Information.

The

The Maſters in taking *Affidavits*, and adminiſtring of Oaths, in Caſes duly preſented unto them, are to be circumſpect and wary, that the ſame be reverently and knowingly given and taken, and are therefore to adminiſter the ſame themſelves to the party; and where they diſcern him raſh or ignorant, to give ſome conſcionable admonition of his duty, and be ſure he underſtand the Matter contained in his *Affidavit*, and read the ſame over, or hear it read in his preſence, and ſubſcribe his Name or Mark thereunto, before the ſame be certified by the Maſter, who is not to receive or certifie any *Affidavit*, unleſs the ſame be fair and legibly written, without, blotting or interlineation of any word of ſubſtance.

In all Matters referred to the Maſters of the Court, their Certificate (not being to ground a Decree) if it be poſitive, is to ſtand, and proceſs may be taken out to inforce performance thereof, without farther Motion, unleſs the adverſe Party, upon notice given (to his Attorney or Clerk in Court) that ſuch a Report is filed againſt him, ſhall within eight days after ſuch notice, (if it be given in Term, or whilſt the general Seals for Motion are held, or within four days of the next Term, if it be given after) obtain ſome Order in Court, to controll and ſuſpend the ſame; and in caſe of an inſufficient Anſwer, certified by the Maſters, the Plaintiff may immediately take out Proceſs againſt the Defendant for his Coſts, and to make a better Anſwer, as hath been formerly uſed.

Where after Certificate or Report made by the Maſters of the Court, either Party ſhall appeal from the ſame to the Judgment of the Court, he ſhall firſt file his Exceptions thereunto briefly, with the Regiſter, and depoſite with him 40 *s.* to be paid to the other Party for the Coſts, if he prevail not in ſuch Appeal: And then the Regiſter ſhall enter ſuch Cauſes of Appeal in a Paper, in order as they are brought unto him, to be determined by the Court in courſe, upon days

of

of Motion, and notice thereof to be given by the Party appealing, to the Clerk of the other ſide. And alſo the Regiſter's Paper to be ſet up in the Office two days before: And if the Court will not alter the Maſter's Report, then the 40 *s.* depoſited to be paid to the Party defending the ſame, with ſuch Increaſe as the Court ſhall find cauſe to impoſe; otherwiſe, to be reſtored to the Party appealing, and both without Charge.

The Maſters extraordinary, ſhall not within twenty Miles of *London* take any *Affidavit*, or acknowledgment of Deeds, or Recognizances, or do any other Act incident to the place of Maſter of the *Chancery*. And to the end it may appear, whether any Maſter extraordinary ſhall notwithſtanding preſume ſo to do, every ſuch Maſter ſhall expreſs the Name of the Town and Country where he ſhall take any *Affidavit*, or the Acknowledgment of any Deed or Recognizance; otherwiſe the ſame ſhall not be held authentical, nor omitted to be filed or inrolled.

Curſitor.

WHereas there is an irregular practice lately introduced, of making forth Original Writs of *Clauſum fregit*, in Treſpaſs, without any other Cauſe of Action therein expreſſed of Returns paſt, when in truth the proper cauſe of Action, is either Debt, Caſe, Ejectment, or ſome other cauſe of Action; and by Proceſs thereupon, the Defendant is not only uſually arreſted, but frequently proceeded againſt to the Outlawry, to the great damage of the Subject, and the loſs and diminution, not only of the proper Original Writs iſſuing out of this Court, but alſo of his Majeſty's Revenue, for the caſual Fines thereupon due and payable: It is therefore ordered,

That no Curſitor of this Court, from and after the firſt day of *Trinity* Term next enſuing, make, or cauſe to be made any Writs of *Clauſum fregit*, or *Clauſum & Domum*

Domum fregit, within the City of *London*, without ſpecial Warrant from the Lord Chancellor, or Lord Keeper of the Great Seal of *England*, or Maſter of the Rolls for the time being, unleſs it be made appear by *Affidavit*, or ſome other probable Evidence, that the ſame is the true and proper cauſe of Action.

That no Curſitor of any other County do make, or permit to be made within his reſpective Diviſion, any of the ſaid Writs of *Clauſum fregit*, or *Clauſum & Domum fregit*, of any other Return, than of the laſt Return of every reſpective Term, unleſs it be to warrant Arreſts, and *Teſtatum Capias* only.

That no Curſitor ſhall from and after the end of *Michaelmas* Term next enſuing, make, or permit to be made within his reſpective Office and Diviſion, any Original Writ whatſoever of any Return paſt, unleſs he ſhall receive the Inſtructions for making thereof, within the Term wherein the ſaid Writs are to be returnable; or at the fartheſt, on or before the firſt Eſſoign-day of the next ſucceeding Term, without ſpecial Warrant from the Lord Chancellor, or Keeper of the Great Seal of *England*, or Maſter of the Rolls for the time being, or good cauſe to be allowed of by the Principal and Aſſiſtants of the Company of the Curſitors for the time being, or the major part of them, at their publick Meetings, according as heretofore hath been uſed.

The Curſitors are to take care that they employ under them in their Office, none but perſons of known Integrity and Ability; and if any Clerks or perſons ſo employed, ſhall be found faulty in the Premiſſes, he ſhall be expulſed the Office, and the Curſitor who ſo employed him, ſhall be anſwerable to the Court for ſuch Miſdemeanors; and ſuch perſon or perſons, who ſhall be diſcovered to do, or proceed otherwiſe than is before mentioned, ſhall be liable to ſuch Cenſure for his Offences as the Court ſhall find juſt to inflict upon him.

Petitions.

Petitions.

NO Injunction for ſtay of Suit at Law ſhall be granted, revived, diſſolved, or ſtaid upon Petition; nor any Injunction of any other nature ſhall paſs by Order upon Petition, without Notice, and a Copy of the Petition firſt given to the other ſide, and the Petition filed with the Regiſter, and the Order entred.

No Sequeſtration, Diſmiſſion, Retainers upon Diſmiſſions, or final Orders, are to be granted upon Petition.

No former Order made in Court is to be altered or explained upon a Petition, or Commitment of any perſon taken upon Proceſs of Contempt, to be diſcharged; but upon hearing the adverſe Party, his Attorney or Clerk, towards the Cauſe.

Paupers.

AFter an Admittance *in Forma Pauperis*, no Fee, Profit or Reward ſhall be taken of ſuch Party admitted, by any Counſellor or Attorney, for the diſpatch of the *Pauper*'s Buſineſs, during the time it ſhall depend in Court, and he continued *in Forma Pauperis*; nor any Contract nor Agreement be made for any Recompence or Reward afterwards. And if any perſon offending herein ſhall be diſcovered unto the Court, he ſhall undergo the Diſpleaſure of the Court, and ſuch farther Puniſhment as the Court ſhall think fit to inflict upon him; and the Party admitted, who ſhall give any ſuch Fees or Reward, or make any ſuch Contract or Agreement, ſhall be from thenceforth diſpaupered, and not be afterwards admitted again in that Suit to proſecute *in Forma Pauperis*.

If it ſhall be made appear to the Court, That any perſon proſecuting *in Forma Pauperis*, hath ſold or contracted for the benefit of the Suit, or any part thereof, while the ſame depends, ſuch Cauſe ſhall be from hence-

henceforth totally diſmiſſed the Court, and never again retained.

Such Counſel or Attorney as ſhall be aſſigned by the Court, to aſſiſt the Perſon *in Forma Pauperis*, either to proſecute or defend, may not refuſe ſo to do, unleſs they ſatisfie the Lord Chancellor of *England*, or Lord Keeper, or Maſter of the Rolls, who granted the Admittance, with ſome good reaſon of their forbearance.

That the Counſellor who ſhall move any thing to the Court on the behalf of a Perſon admitted *in Forma Pauperis*, ought to have the Order of Admittance with him, and firſt to move the ſame before any other Motion. And if the Regiſter ſhall find that ſuch Perſon was not admitted *in Forma Pauperis*, he ſhall not draw up any Order upon the ſecond Motion made by any ſuch Counſel; but he ſhall loſe the fruit of ſuch ſecond Motion, in reſpect of his abuſe to the Court.

No Proceſs of Contempt ſhall be made forth, and ſent to the Great Seal, at the Suit of any Perſon proſecuting as Plaintiff *in Forma Pauperis*, until it be ſigned by the Six Clerk, who deals for him; and the Six Clerks are to take care that ſuch Proceſs be not taken out needleſly, or for vexation, but upon juſt or good grounds, as they will anſwer it to the Court, if the contrary ſhall appear.

And laſtly, it is Ordered, That all Maſters of the Court of *Chancery*, Counſellors, and all Officers, Miniſters, Clerks and Solicitors in the ſaid Court, do obſerve theſe Orders, which are to continue, until upon farther conſideration and experience, any alterations ſhall be fit to be made therein.

Clarendon. *Har. Grimſtone.*

Mercurii

Mercurii 27 die Feb' Anno Regni *Caroli* II. Regis 19. 1667.

Touching Examination of Witneſſes.

WHereas the Maſters in *Chancery*, upon References to them upon hearings for the eaſe of the Court in ſtating of Accounts, and other like matters, have of late been armed with Commiſſions to examine Witneſſes, and Power to direct Commiſſions into the countrey if they ſaw cauſe: Whereupon difference hath riſen between the ſaid Maſters and the Six Clerks and Examiners of this Court, about the Right of taking and keeping ſuch After-Examinations, and to whom ſuch Commiſſions and the Depoſitions thereby taken, ſhould be returned, kept and copied: And the Right Honourable the Lord High Chancellor of *England* being acquainted therewith, was pleaſed to appoint this preſent Day for hearing all the ſaid Parties; and accordingly his Lordſhip, being aſſiſted by the Honourable the Maſter of the Rolls, and having reſpectively heard the ſaid Maſters, Six Clerks and Examiners then preſent touching the ſame, declared, That ſuch Commiſſions and Examinations ought not to be returned to, or taken, or kept by the ſaid Maſters, in regard, whilſt they are in their hands, the ſame are not any Records to ground their Reports, and the Judgment of the Court upon, in caſe the Cauſe ſhould afterwards come to hearing upon Exceptions to ſuch Reports; or be otherwiſe re-heard; and that the Client cannot have authentick copies at any ſuch Hearing; nor exemplifie, or otherwiſe make uſe of the ſame at any Tryal at Law, to be directed by this Court, or otherwiſe. And in regard ſuch Examinations are in danger to be loſt, or not known where to be found upon the Death or Removal of ſuch Maſter who keeps the ſame; and that Clients will be encouraged more frequently to neglect or forbear to make their full

full proofs, although they ought and might do it before Publication, purposely to take advantage of such later proofs, which may occasion the lengthening out of Causes, to the great charge and delay of the Suitors in this Court. Therefore his Lordship, upon serious consideration of the whole matter, and preventing such inconveniencies and irregular proceedings as aforesaid, doth think fit and so order, That for the future, all parties concerned do at their perils, as much as in them lies, make their full proof before publication passeth in the Cause. But if upon any such reference, the Master shall find any particular points or circumstances needful to be proved to ground his Report upon, which are not fully proved, nor could properly be examined to before the hearing of the Cause, he shall then direct the parties to draw Interrogatories to such Points or Circumstances only, and examine thereupon in Court by the Examiners, if the Witnesses shall be or reside within ten Miles of *London*, as by the Rules of the Court they ought to do; but if farther off, and the parties desire it, he may direct a Commission into the Country, which is to be made out by the Six Clerks; which said Commission, and the Depositions thereby taken, shall be returned unopened to the respective Six Clerk, which ought to have the keeping thereof, and publication to pass according to the course of the Court in such Cases; and all other Examinations in this Court for the future, not taken and kept of Record by the Six Clerk, or Examiners as aforesaid, are from henceforth declared to be void, and shall not be admitted to ground any such Report, or otherwise to be made use of in any proceedings in this Court or at Law.

Clarendon, Canc'.

Sabbati 1 *Feb'. Anno Regni* Caroli *II. Regis* 20. 1668.

WHereas by an Order made by the Right Honourable *Edward*, Earl of *Clarendon*, late Lord High Chancellor of *England*, and the Honourable Master of

the Rolls, bearing date the 18th. day of *July*, 1666. It was ordered, that all Bills, Anſwers, and other Pleadings thereupon, in the Six Clerks Office, and all Exemplifications, Writs, and Copies in the Cauſes, ſhould be filed, made and expedited according to the diviſion and allotment of the Letters of the Alphabet, in the Cauſes wherein the Plaintiff, or firſt Plaintiff's Sirname began, as therein is mentioned by the reſpective Six Clerks therein named, and their Succeſſors reſpectively, and by no other; againſt which, ſeveral Complaints have been made to the Lord Keeper, by ſeveral Suitors; upon examination whereof, and Conference with the Maſter of the Rolls, his Lordſhip held the ſaid Order unfit to be continued, and further put in practice; and doth therefore order, that the ſaid Ordinance be from henceforth diſcharged, and that the Method thereby directed, be not from henceforth for the future practiſed or obſerved; but all Clients be at liberty to chuſe their own Attorney, and that the buſineſs of the Court from henceforth be diſpatched as formerly was uſed, before the making of the ſaid Ordinance.

Bridgman, C. S.

Lunæ 25 May Anno Regni *Car.* II. Regis 20. 1668.

Touching the Uſher of the Court.

WHereas by two ſeveral Orders, the one of the 8th and the other of the 10th of *April* laſt, made in a Cauſe wherein *John Elliott*, Eſq; is Plaintiff, and *Jane Hicham* and others, Defendants, upon Complaint of the ſaid Plaintiff againſt Mr. *Joſeph Herne*, late Uſher of this Court, for the Reaſons then alledged; it was the ſaid 8th day of *April* ordered, that the ſaid Mr. *Herne* ſhould be called in Court three ſeveral times that day, and ſo three times on three ſeveral days ſucceſſively to attend in Court, according to the duty of his place: And the ſaid Mr. *Herne*, being according to the Command and direction aforeſaid, called by the Crier of this Court three ſeveral times, upon three ſeveral days,

days, and not appearing upon either of them to give his attendance, in order to the execution of his Place, as Uſher of this Honourable Court; The Right Honourable the Lord Keeper of the Great Seal of *England*, did the ſaid 10th day of *April* order, that the ſaid ſeveral defaults ſhould be recorded in the Petty-Bag, to the end ſuch further Order ſhould be taken as ſhould be juſt, with the ſaid default, being accordingly recorded; and the ſaid Mr. *Joſeph Herne* being again this day, by the command of his Lordſhip, called three ſeveral times to give his attendance in this Court as aforeſaid, and not appearing, his Lordſhip declared the ſaid Place to be void, and that the ſame was forfeited for his not attendance; and doth therefore order, that the aforeſaid ſeveral defaults, together with this Order, be alſo recorded in the Petty-Bag.

Jovis 18 die Junii Anno Regni *Car.* II. Regis 20. 1668.

Touching Under-Clerks and Fees.

FOR the better regulating of the Office of Six Clerks, and for ſettling the differences lately ariſen between the Six Clerks, and the Under-Clerks of the ſaid Office, in ſuch manner, as that the inconveniencies occaſioned by the ſaid differences, to the hindrance of the diſpatch of the buſineſs of this Court, may be hereafter avoided; it is this preſent 18th day of *June*, in the 20th Year of the Reign of our Sovereign Lord, *Charles* the Second, *&c.* by the Right Honourable Sir *Orlando Bridgman*, Knight and Baronet, Lord Keeper of the Great Seal of *England*, and the Honourable Sir *Harbottle Grimſtone*, Baronet, Maſter of the Rolls, and by the Authority of this High and Honourable Court of *Chancery*, ordered, ordained and decreed, That on or before the firſt day of *November* next enſuing, all the preſent Under-Clerks of the ſaid Office, who now are allowed and admitted to practice, except ſuch only againſt whom there is juſt cauſe of exception, in the Judgment of the Honourable the Maſter of the Rolls,

ſhall be admitted Clerks of this Court, and that as well they, the ſaid Under-Clerks ſo to be admitted, as every other perſon hereafter to be admitted to the place of an Under-Clerk in the ſaid Office, ſhall at, or before the time of ſuch his admiſſion, and before his or their entrance upon that Imployment, take this Oath following, (that is to ſay,)

The Oath of the Under-Clerks.

YOU *ſhall ſwear, that you ſhall not willingly do, procure or aſſent unto any thing, whereby any of the Records, Rolls, Pleadings, Books or Writings of or belonging unto the Court of Chancery, which ſhall be under the keeping or charge of the Maſter of the Rolls for the time being, or of any of his Clerks or Miniſters, or which ſhall come to your hands, or whereunto you ſhall have recourſe, ſhall be imbezzled, falſifyed, corrupted, raſed or defaced, or whereby any corruption, fraud or deceit may be done thereby, but ſhall well and truly entreat and deal with the ſaid Records, Rolls, Pleadings, Books and Writings, according to your beſt knowledge and underſtanding; and that you ſhall do your utmoſt endeavour for the ſafe and ſecret keeping of all Examinations and Depoſitions of Witneſſes that ſhall be delivered unto you, or ſhall come to your hands, without opening, publiſhing or diſcloſing, till publication be granted by the Court, or otherwiſe, by the aſſent of the Parties, or their Attorneys, according to the courſe of the ſame Court.*

So help you God.

And that upon the death, or removal of any of the ſaid Under-Clerks, ſo to be admitted and ſworn in each reſpective Six Clerk's diviſion, no other perſon or perſons, ſhall from, and after the time aforeſaid, be admitted or ſworn an Under-Clerk of the ſaid Office, or be admitted to practiſe in the place or places of him or them ſo dying, or being removed, until the number ſhall be reduced to ten Under-Clerks, in each reſpective Six Clerk's diviſion, that ſo the number of the Under-Clerks of the whole Office, may be reduced to ſixty Clerks and no more; at which number the ſaid Under-Clerks ſhall from and after ſuch reducement be

conti-

continued, unleſs this Court ſhall find it neceſſary to increaſe or abridge the ſame; and when any vacancy ſhall happen of any of the Under-Clerks places, after ſuch reducement as aforeſaid, none ſhall be nominated by the Six Clerks reſpectively, for the place of the ſaid Under-Clerks reſpectively, unleſs he and they have been educated and brought up in the ſaid Office, and have ſerved ſeven years, at leaſt, as a Clerk under ſome of the Six Clerks, or Under-Clerks, and ſhall be of honeſt and civil behaviour, and be otherwiſe fitly qualified for the ſaid imployment. And it is hereby further ordered, ordained and decreed, that no perſon upon any pretence whatſoever, ſhall be permitted to practice as an Under-Clerk in the ſaid Office, but ſuch only as ſhall be ſworn and admitted as aforeſaid; and that no Under-Clerk ſo to be ſworn and admitted as aforeſaid, ſhall at any time, on any pretence whatſoever, be deprived, ſuſpended, or in ways hindred in, or from the exerciſe of his, or their ſaid Imployment, but by Judgment or Order of the Lord Chancellor, Lord Keeper, or Maſter of the Rolls for the time being only. And that out of the Fees payable by the Clients, the ſaid Under-Clerks reſpectively ſo to be ſworn and admitted as aforeſaid, ſhall, and may have, receive, retain, and keep to their own uſes reſpectively, the ſeveral Fees and Allowances, hereafter mentioned, and ſhall be accountable to the Six Clerks reſpectively, for any buſineſs to be diſpatched in the ſaid Office, after the rates and proportions only herein after ſet down, and not otherwiſe, (that is to ſay,)

Clerks Fees.

That the Under-Clerks ſhall have, and receive, and retain to their own uſes reſpectively,

OUT *of the Termly Fee of* 3 s. 4 d. *the ſum of* 1 s. 4 d. *And for all Copies of Bills, Anſwers, Pleas, Demurrers, Replications, Rejoynders, Depoſitions, Interrogatories, and other Records uſually diſpatched in the ſaid Office for four*

pence a sheet, and the Fee of 6 d. per sheet, usually paid for the transcript of the Bill annexed to the Writ of Dedimus potestatem, 4 d.

And 12 s. 8 d. *per skin for all Exemplifications,* 12 s. 8 d.

And 2 s. 8 d. *for every* Dedimus potestatem, 2 s. 8 d.

And 3 s. 2 d. *for every Ordinary Commission, and Rejoyning Commission to examine Witnesses,* 3 s. 2 d.

And 4 s. *for every Commission of Rebellion,* 4 s.

And 3 s. 2 d. *for every Writ of Execution of an Order* 3 s. 2 d.

And 16 s. 4 d. *for every Decree and Dismission,* 16 s. 4 d.

And 13 s. 2 d. *per skin for every Writ of execution of a Decree,* 13 s. 2 d.

And 6 s. 8 d. *for every Injunction,* 6 s. 8 d.

And 1 s. *for every Attachment, and Attachment of Proclamation,* 1 s.

And a Moiety of all other Fees for all other Writs usually dispatched by the Clerks in their Clients Causes, Moiety.

And the Under-Clerks respectively, shall be accountable to the Six Clerks respectively only,

For 2 s. *residue of the said Termly Fee of* 3 s. 4 d. 2 s.

And 4 d. *per sheet of all Copies of all Bills, Answers, Pleas, Demurrers, Replications, Rejoynders, Depositions, Interrogatories, and other Records usually dispatched in the said Office,* 4 d.

And 14 s. *a skin for every Exemplification,* 14 s.

And 4 s. *for every* Dedimus potestatem, 4 s.

And 3 s. 6 d. *for every Commission, and joyning in Commission to examine Witnesses,* 3 s. 6 d.

And 6 s. *for every Commission of Rebellion,* 6 s.

And 3 s. 6 d. *for every Writ of execution of an Order,* 3 s. 6 d.

And 17 s. *for every Decree and Dismission,* 17 s.

And 13 s. 6 d. per *skin for every Writ of execution of a Decree,* 13 s. 6 d.

And 6 s. 8 d. *for every Injunction,* 6 s. 8 d.

And 1 s. *for every Attachment with Proclamation,* 1 s.

And for a Moiety of all other Fees, for all other Writs usually dispatched by the Clerks in their Clients Causes, Moiety.

And it is further ordered, ordained and decreed, by the Authority aforesaid, That if any of the said Under-Clerks

Clerks for the time being, after his, or their receipt of any of the Fees, and ſums of Money aforeſaid, or after his, or their delivery out to his Client, or any on his behalf, any Writs, Commiſſions, Exemplifications, or other Proceſs, or of any Copies of any Bills, Anſwers, or other Pleadings made, written or diſpatched in the ſaid Office, and ſhall not faithfully and duly account for, and pay what belongs to every Six Clerk to whom he is accountable, and ought to pay for the ſame according to the rates and proportions aforeſaid, without any wilful delay or concealment: That in ſuch caſe, every Under-Clerk ſo offending, upon complaint and proof thereof made before the Right Honourable the Lord Chancellor, Lord Keeper, or Maſter of the Rolls, ſhall over and beſides ſuch remedy as the Six Clerks have legally for the ſame, undergo ſuch puniſhment, as the ſaid Lord Chancellor, Lord Keeper, or Maſter of the Rolls for the time being, ſhall judge meet to ſtand with Juſtice, and the nature of his demerit, who will be the more careful to ſee the ſaid Six Clerks righted therein, in reſpect they do, by the reaſon of the more ſure and juſt payment of the reſidue of their ſaid Fees, abate much of what heretofore they uſed to receive. And it is alſo ordered, ordained and decreed, by the Authority aforeſaid, That from henceforth no Commiſſion, Writ or Proceſs uſually made or diſpatched in the ſaid Office, ſhall from henceforth be put to the Seal, nor any Copies of any Pleadings, Commiſſions, Depoſitions, Certificates or other Records, uſually diſpatched in the ſaid Office, ſhall be delivered out of the ſaid Office to any Client, until the ſaid Commiſſions, Writs, Proceſs and Copies reſpectively, ſhall be firſt ſigned by the Six Clerks, to whom the ſame doth or ſhall properly belong, to his Deputy, or in his or their abſence, by ſome other of the Six Clerks not towards the Cauſe.

And that all Commiſſions, whereby any Depoſitions are taken and returned, which belong to the Six Clerks

to receive, ſhall immediately upon the bringing in, or return thereof into Court, be delivered to the Six Clerk, to whom the ſame doth properly belong, or his Deputy, to be ſafely and ſecurely kept, till publication be duly paſſed, and not to be from henceforth in any wiſe kept back or broken open by any of the Under-Clerks, or other perſon, till publication thereof ſhall be paſſed, as aforeſaid: For which end and purpoſe, each Six Clerk is hereby enjoyned to have one or more Deputy or Deputies, to be conſtantly reſident and attendant in the ſaid Office, in the abſence of the ſaid Six Clerks, for ſigning of Writs, Copies, and receiving Commiſſions as aforeſaid. And it is further ordered and decreed, That all Rules whatſoever, ſhall from time to time be duly entred in the Common Book, commonly called the Houſe-Book; and that upon entring of ſuch Rules, notice ſhall from time to time be given to the Under-Clerk on the other ſide, that is towards the Cauſe, to the end the Client may not be ſurprized thereby.

And that upon the delivery out of any Copy, the Clerk who copied and delivered the ſame, ſhall bring back and deliver the Record to the Six Clerk, from whom he received the ſame, to the end the ſame may be filed and bundled with the reſt of the Records in the ſame Cauſe; and that all Bills, Anſwers, Replications, Rejoinders, and other Proceedings, relating to any Suit commenced in this Honourable Court ſince the firſt day of *Michaelmas* Term laſt, and now remaining unfiled, in the cuſtody or poſſeſſion of any Under-Clerk of the ſaid Office, ſhall in ſome convenient time be produced and filed with ſuch Six Clerk, to whom the ſame ſhall properly belong; and that the Under-Clerks reſpectively, according to the proportions before mentioned, ſhall duly ſatisfie and pay the Six Clerks reſpectively, the Fees due for the ſame as aforeſaid: And in caſe ſuch Under-Clerk reſpectively, have received all the due Fees for the ſame of their Clients reſpectively

ſpectively; and if not, then they are to give unto the Six Clerks reſpectively, a Note in writing under his or their Hands, of the Name or Names, Place or Places of abode, of ſuch Client or Clients, who are in arrear for any Fees due to them, and the *quantum* of ſuch Fees, to the end the Six Clerk reſpectively, may take ſuch courſe for the recovery thereof as they ſhall be adviſed; and that for ſo much the ſaid Under-Clerks ſhall be diſcharged, and acquitted from every further demand from them concerning the ſame. And laſtly, it is ordered, ordained and decreed, That this preſent Decree ſhall be inrolled in the Judgment Rolls of this Court, to be obſerved for the future to all intents and purpoſes, according to the Tenour and true meaning thereof.

Orlando Bridgman, C. S.
Harb. Grimſtone, M. Rolls.

Sabbati 31 die Octob' Anno Regni *Caroli* II. Regis 20. 1668.

Touching Under Clerks.

WHereas on the 18th of *June* laſt, a Decree was made for the regulating the Office of Six Clerks, and for ſettling of the differences lately ariſen between the Six Clerks and the Under-Clerks of the ſaid Office, by the Right Honourable Sir *Orlando Bridgman*, Knight and Baronet, Lord Keeper of the Great Seal of *England*, and the Honourable Sir *Harbottle Grimſtone*, Baronet, Maſter of the Rolls; wherein it is amongſt other things decreed, That on or before the firſt day of *November* next enſuing, all the preſent Under-Clerks of the ſaid Office, who now are allowed and admitted to practiſe, except ſuch only againſt whom there is juſt cauſe of exception in the judgment of the Honourable the Maſter of the Rolls, ſhould be admitted Clerks of this Court, and that as well they, the ſaid Under-Clerks, ſo to be admitted, as every perſon hereafter to be admitted to the place of an Under-Clerk of the ſaid Office, ſhould, at or before the time of ſuch his admiſſion,

miſſion, and before his and their entrance upon that imployment, take the Oath therein particularly expreſſed. Now foraſmuch as the time prefixed by the ſaid decree is near expired, and there be many of the ſaid Under-Clerks, who by reaſon of their remoteneſs of dwelling or other accidents, are not as yet come to Town, whereby the ſaid Decree cannot in ſtrictneſs be performed; It is this preſent day ordered, by the Right Honourable the Lord Keeper, *&c.* and the Honourable the Maſter of the Rolls, that the ſaid time be inlarged till the firſt day of the next Term, without any prejudice to any abſent Under-Clerk, who ſhall not come in to be admitted and ſworn in the mean time.

Mercurii 18 die Novembris Anno Regni *Caroli* ſecundi Regis 20. 1668.

Touching Priviledge Writs, Pauper Writs, and Renewed Writs.

FOraſmuch as the Right Honourable the Lord Keeper, *&c.* was this day informed by Mr. *Collings* on behalf of ſeveral Officers and Clerks of this Court, that all ſmall Writs that paſſed the Great Seal for priviledged Perſons, and for ſuch as are admitted to ſue in this Court *in Forma Pauperis*, and Renewed Writs, were, and uſually have been by ancient courſe delivered to perſons by whom ſuch Writs have been Sealed, or to their Clerks, without paying any thing therefore; and that by an Order of this Court, made the 12th of *February*, 14 *Caroli ſecundi*, upon information of one Mr. *Hutton*, a Clerk or Deputy to the Right Honourable the Lord *Newbrough*, through whoſe Office all Writs of that nature do paſs, refuſeth to deliver the ſame without Fees for the Seals thereof; It is thereupon ordered, That all Writs which ſhould be ſealed for priviledged Perſons, and for Suitors in this Court *in Forma Pauperis*, and Renewed Writs, ſhould from henceforth be delivered to the perſons for whom the ſame ſhould be ſealed, or to their Clerk, without paying or giving any thing

thing for the ſame; which Order was obſerved by the ſaid Mr. *Huiton* during the time he continued his employment in the ſaid Office. But one Mr. *William Adderly* who now Farms the ſaid Office under the Commiſſioners of His Majeſty's Treaſury, refuſes to deliver ſuch Writs aforeſaid, without paying Fees for the Seals thereof: It is ordered by his Lordſhip, That the ſaid Mr. *Adderly* do obſerve and conform to the Order aforeſaid, by delivering all Writs, which ſhall be ſealed for priviledged Perſons, and for Suitors to this Court *in Forma Pauperis*, and Renewed Writs, to the perſons for whom the ſame ſhall be ſealed, or to the Clerk, without paying or giving any Fees for the ſame, unleſs the ſaid Mr. *Adderly*, having notice hereof, do on the laſt day of this Term ſhew cauſe to the contrary.

Sabbati 12 die Feb' Anno Regni *Caroli* II. Regis 22. 1670.

Concerning Exceptions to a Maſter's Report.

THE Right Honourable the Lord Keeper, taking notice of the trouble and loſs of time to the Court, and expences and delay to the Suitors, occaſioned by putting in Exceptions to Maſters Reports, many of which do prove frivolous and vexatious, doth for the prevention thereof, declare and order, that for the future, from this time, every perſon that ſhall put in Exceptions to a Maſter's Report, ſhall beſides the 40 *s.* depoſited upon exhibiting the ſame, pay 10 *s.* farther Coſts for every Exception, or diſtinct branch of an Exception, which ſhall upon the hearing thereof be over-ruled.

Martis

Martis 8 die Aprilis, Anno Regni *Caroli* II. Regis 25. 1673.

At Exeter-Houſe, *by the Right Honourable the Lord Chancellor.*

About the Impoſitions on Law Proceedings.

ORdered upon the humble requeſt of the Farmers of his Majeſty's Duty ariſing by virtue of an Act of Parliament for laying Impoſitions on Proceedings at Law, That the Agent or Agents of the ſaid Farmers ſhall have liberty to attend from time to time, and view all copies of Records of the ſaid Court, that ſhall be offered to be read or made uſe of in any Motion, or on the hearing of any Cauſe, arguing of any Pleas or Demurrers, or exceptions to Reports, at the Lord Chancellor's; and alſo at the hearing of all Cauſes at the Rolls, to the end it may be known whether ſuch Copies be ſigned by the proper Officer, appointed for that purpoſe by the ſaid Act, and His Majeſty's Duty duly anſwered for the ſame. And all Counſellors, Clerks, Solicitors, or other in whoſe cuſtody any ſuch Copy ſhall be, are required to permit the ſaid Agent or Agents, on requeſt in that behalf, to view and take an account of the ſame according to the direction of the ſaid Act; that the ſaid Agent or Agents ſhall have liberty to attend at all Publick Seals, from the time of opening the Seals to the ſhutting up thereof, and ſhall put up all Writs and other things that ſhall be ſealed, into a Bag for that purpoſe, and go immediately, after the Seal is over, with the Clerk of the Hanaper or his Deputy, to the Hanaper Office, and then take an account of all the ſaid Writs and other things Sealed, and ſtamp the ſame with a Stamp, to be provided by the ſaid Farmers for that purpoſe; and if neceſſity do require, that any Writs or other things Sealed, ſhall be delivered out immediately after Sealing, the ſame ſhall be firſt ſtamped, and an account taken thereof by the ſaid

ſaid Agent or Agents; but neither the Clerk of the Hanaper, nor his Deputy, nor any other, ſhall preſume to deliver out, or take away any Writs or other things whatſoever that ſhall paſs the Seal, until the ſame be ſo ſtamped, that the ſaid Farmers Agent or Agents giving their due attendance from time to time to perform the ſame: That ſome perſon whom the Farmers ſhall for that purpoſe appoint, ſhall attend at all private Seals, and take an account of, and make an entry into a Book to be kept by him for that purpoſe, of all Writs and other things that ſhall be Sealed at ſuch private Seal, and ſhall alſo write his Name on the backſide of ſuch Writs and other things ſo Sealed, and ſee that His Majeſty's Duty be anſwered for the ſame.

Shaftsbury, C.
Har. Grimſtone.

Jovis 8 die Maii, Anno Regni *Caroli* II. Regis 25.
1673.
At Exeter-Houſe, *ad idem.*

THE Right Honourable the Lord High Chancellor, *&c.* having this day heard the Farmers of His Majeſty's Duties, ariſing by impoſitions and proceedings at Law, and their Counſel, and alſo the Six Clerks Office in the Court of *Chancery*, and the Under-Clerks in the Six Clerks Office, to ſeveral things offer'd by the ſaid Farmers, for better collecting the ſaid Duties ariſing within the ſaid Six Clerks Office, doth order and direct according to the Power and Authority given him by the ſaid Act,

1. That no Clerk or Solicitor do ſend, or knowingly permit, or ſuffer to be ſent, any Bill, Anſwer, Plea, Demurrer, Depoſitions of Witneſſes, or other Record of the ſaid Court, or any Draught or Copy thereof to any perſon or perſons, to take or make Copies thereof, or uſe the ſame, whereby the King's Majeſty,

jeſty, or his Farmers may be defrauded of any of the Duties impoſed by the ſaid Act.

2. That the Clerks of the ſaid Office do duly enter and pay the Duty for all appearances of perſons, for whom they have directions to appear, and that neither the Six Clerks for the Plaintiff, nor his Deputy, do deliver any Bill to a Clerk, or any other for the Defendant, without a Note under the Hands of the Six Clerks for the Defendant, or his Deputy, teſtifying that the Appearance is entred; which Note the ſaid Six Clerk, or his Deputy who receiveth the ſame, is carefully to file up, to the end the Clerk, or the Perſon who on delivery thereof taketh away any Bill, may, if occaſion requires, be called to return the ſaid Bill, and charged by the ſaid Six Clerk, or his Deputy, or the Farmers Agent with the payment of His Majeſty's Duty for the Copy thereof.

3. That the Farmers of His Majeſty's Duty do provide for every of the ſaid Six Clerks a Book, and that every of the ſaid Six Clerks, and their Deputies, do take ſpecial care, that before any Records or Pleadings whatſoever, (Bills excepted,) be taken or delivered out of the Six Clerks Studies or Record-Houſe, a ſhort entry be made thereof in the Book remaining with the Six Clerks, from whom the ſame is taken, or to whom the cuſtody thereof belongeth, with the time when, and the Perſon's Name by whom the ſame is taken out, to the end, as occaſion ſhall require, the ſaid perſon may be called on to return ſuch Records and Pleadings, and for payment of His Majeſty's Duties for the Copies thereof.

4. That all Bills, Anſwers, Pleadings, and other proceedings in the ſaid Court be duly filed, and that no Copies be made thereof till the ſame have been ſo filed with a proper Officer for that purpoſe.

5. That no Copy of any Bill, Anſwer, Plea, Demurrer, Depoſitions of Witneſſes, or other Records of the ſaid Court ſhall be delivered or ſent to any Cli-

Client, or Solicitor, or other Perſon, till the ſame be ſigned by the proper Officer to whom they belong, or his Deputy; and that no cloſe Copy whatſoever ſhall be made until an Office Copy hath been paid for; and that in ſuch a caſe where a cloſe Copy is made for the ſame perſon, by whom, or on whoſe account an Office Copy hath been paid for, His Majeſty's Duty ſhall not be required for ſuch cloſe Copy.

6. That no Copy of any Record of the ſaid Court, be offered to be read or made uſe of, either in Court, or at the Rolls, or before any Maſter or elſewhere, or any Fees taken for the ſame, which is not under the proper Officer, or his Deputy's Hand, the draughts of Complainants or Defendants own Bills, Anſwers, or other Pleadings, which by the ancient Rules of the Court have been permitted to be made uſe of by themſelves only excepted.

7. That no Commiſſion whatſoever be publiſhed, but in the preſence of one of the Six Clerks concerned in ſuch Cauſe or Cauſes, in which they ſhall happen to publiſhed, or one of the Deputies, who is to cauſe the ſame to be entred in the ſaid Book, to be provided by the ſaid Farmers, to the end the Clerk concerned in ſuch Cauſe or Cauſes, may be called on to pay His Majeſty's Duty for the Copies of Depoſitions, as in the caſes of Copies of other Pleadings and Records.

8. That no *Subpœna Ad audiendum Judicium* be made out, until a Certificate under the hand of the Six Clerk at whoſe inſtance the Cauſe is ſet down, be delivered to the Deputy of the *Subpœna*-Office, that the Pleadings in the Cauſe are filed; which Deputy is hereby required to write thereon the Name of the Clerk that deals for the Plaintiff, and to deliver over ſuch Certificate to ſuch perſon whom the Farmer of the King's Duty ſhall appoint to receive the ſame.

9. That

9. That the Six Clerks, or their Deputies, or other Officers of the ſaid Court, when they ſign any Copies, do write thereon the day of the Month when they are ſigned, and in words at length the number of Sheets which they contain, and alſo ſubſcribe their Names to the ſame.

10. That the ſaid Six Clerks, do give the Names of their Deputies, or ſuch who in their abſence they permit to ſign things, to the Farmers Agent in writing, and ſo of any other they ſhall permit or appoint for that purpoſe, and that the ſaid Six Clerks or their Deputies attend on all Office-days, to diſpatch buſineſs, from the hours of nine in the Morning till twelve at Noon, and from three of the Clock in the Afternoon, till ſix in the Evening.

11. That all Decrees and Diſmiſſions be ſigned by the reſpective Six Clerk by whom they ought to be ſigned, and not by their Deputies, but in caſe of ſickneſs, or abſence out of Town of the Six Clerk; and that the Six Clerks or their Deputies, when they ſign any Decree, do at the ſame time write thereon the day of the Month, and the year when they do the ſame.

Shaftsbury, Ch.

Mercurii

Mercurii 22 die Julii, Anno Regni *Caroli* II. Regis 26. 1674.

Touching Recognizances.

WHereas on Complaint made this day to the Right Honourable the Lord Keeper, *&c.* that a Recognizance acknowledged in this Court the 17th of *Jan.* 1653. of 1900 *l.* for payment of 507 *l.* 10 *s.* the 6th of March then next, was not inrolled till the 1ſt day of *July* 1666. and that by an Adminiſtrator, whereby all the Lands and Tenements of the Cognizor, at the time of entring into ſuch Recognizance, and charged in the hands of a Purchaſor near thirteen years after. And his Lordſhip being informed, that ſeveral Recognizances, as well as this, have in ancient times, as well as lately, have been inrolled, though long after the time, by Warrant from the Maſter of the Rolls for the time being, without prejudice to all purchaſors, between the time ſuch Recognizance ought to be inrolled, and the time of the actual inrolment thereof. Yet notwithſtanding his Lordſhip taking into conſideration the evil and dangerous conſequences that may happen and ariſe to the Subject, by ſuffering Recognizances to be inrolled long after the time of acknowledgment thereof. And withall conſidering, that although there be no certain time appointed by Law for the inrolment of ſuch Recognizances, as are acknowledged according to the courſe of the Common Law; yet all other Courts have appointed the inrolment of ſuch Recognizances as be acknowledged there, to be before the next continuance day, or at the fartheſt, before the end of the Term following. Doth think the uſual time of a year and a day, heretofore allowed by this Court for ſuch inrolment, to be much too long. And therefore in conformity to other Courts as near as may be, but

chiefly to the High Court of Parliament, and in imitation of that Proviſion which is made by the Statute made in the 27th year of the Reign of Queen *Elizabeth*, whereby it is enacted, That no Recognizance in the nature of a Statute Staple, ſhall bind any Purchaſor, unleſs the ſame be inrolled within ſix Months after the acknowledgment thereof: Doth hereby declare and order, That for the future no Recognizance, which after the firſt day of *September* next enſuing, ſhall be acknowledged in this Court, of what Nature or kind ſoever, ſhall be inrolled in this Court, unleſs ſuch inrolment be within the ſpace of ſix Months after the acknowledgment thereof. And that all Officers and Miniſters of the Court do for the future obſerve and take care, that no ſuch Recognizance be inrolled in the ſaid Court, contrary to this preſent Order; and all Recognizances heretofore acknowledged in this Court, and not already inrolled, ſhall be inrolled within the ſpace of ſix Months after the 23d day of *October* next, and ſhall not be received nor inrolled after that time; and becauſe there may be ſpecial circumſtances, wherein it may be fit to diſpenſe with theſe Rules, no Recognizance ſhall ever be inrolled after the time preſcribed be elapſed, without motion in open Court, to the end that the Conuſor, and all Purchaſers, and Tertenants may have due notice, and the Court may by Special Order, and conſent of the Party paying ſuch inrolment out of due time provided for the indemnity of ſuch Purchaſers as may be otherwiſe prejudiced thereby; and that all perſons concerned may take notice of this Order, Copies hereof are to be ſet up and fixed in the ſeveral Offices of the Court concerned herein.

Mer-

Mercurii 4 die Novembris, Anno Regni *Caroli* II. Regis 26. 1674.

Touching Contempts.

UPon Complaint made to the Right Honourable the Lord Keeper, *&c.* by the Serjeant at Arms attending the Great Seal, that after Contempts are proſecuted to a Serjeant at Arms, and a Commitment pronounced, the Proſecutors will draw up the Order, and never take forth a Warrant thereon, but make uſe thereof to force the Party proſecuted into ſome Compoſition, ſometime for the whole Matter in difference, but uſually for the diſcharge of the Contempts, whereby the Serjeants Imployment is rendred in great part ineffectual; for prevention whereof his Lordſhip doth thereupon Order, That after any Order for a Serjeant at Arms ſhall be granted by the Court, the Regiſter ſhall on requeſt draw up the ſaid Order, and deliver the ſame to the Serjeant at Arms or his Deputy, and no other perſon, they paying for the ſame, by which means he ſhall or may endeavour to apprehend the Party proſecuted, and bring him into this Court to anſwer the ſecond Contempt if he can; but if he cannot, his Lordſhip doth further order, That no Order for a Serjeant at Arms drawn up, and paſt by the Regiſter, be diſcharged, and the Contempt thereupon, without the Serjeants Fees be paid to him, and a Certificate under his Hand teſtifying the ſame; and after the ſaid Order being drawn up, and paſt as aforeſaid, no private or other agreement ſhall be made between the Party or Parties, or the Perſon or Perſons ſo ſtanding in Contempt as aforeſaid, or any other Perſon there, or any on their behalfs, without ſuch ſatisfaction ſhall be made, and a Certificate of the ſame ſhall appear to Court.

Veneris 18 die Decembris, Anno Regni *Caroli* II. Regis 26. 1674.

UPon Complaint made to the Right Honourable the Lord Keeper, *&c.* on the behalf of Mr. *Thomas Middleton*, a Clerk in the Regiſter's Office, of an Aſſault made upon him by one *James Bradley*, a Solicitor, by ſtriking off his Hat, and beating him over the Head and Face with a Staff in the Regiſter's Office, whereby his Head and Face are very much ſwelled and bruiſed; which upon the examination of the matter, his Lordſhip finding it to be done without any cauſe or provocation, ſave the ſaid *Middleton*'s drawing and expediting an Order againſt a Client of the ſaid *Bradley*'s, according to the direction of the Court, his Lordſhip reſenting it to be a great abuſe and miſdemeanor againſt the Court, for Officers or Clerks to be thus uſed, eſpecially for diſcharging the Duty of their Imployments; doth order that the ſaid *Bradley*, for this great miſdemeanor, be committed cloſe Priſoner to the Fleet, there to be kept without Pen and Ink, or any acceſs to him from without the Fleet, till further Order to the contrary.

Lunæ 10 die Aprilis, Anno Regni *Caroli* II. Regis 28. 1676.

Concerning Quakers.

WHereas divers perſons that go under the Name of Quakers, being ſued and ſerved to anſwer Bills in this Court, or ſerved with Proceſs to teſtifie their knowledge in Cauſes here depending, have uſed many deviſes to prevent the taking of their Oaths to their Anſwers, and procured themſelves to be perſonated by others, and yet their Anſwers have been certified as if they were really ſworn, whereby the Suitors

Suitors have been hindred from diſcovery of the matter charged on them, and the truth is ſuppreſſed. And in caſe of falſe ſwearing, the Perſons cannot be proceeded againſt according to Law. For the preventing therefore of all abuſes of that nature for the future, the Right Honourable the Lord High Chancellor of *England*, doth Order, That ſuch Suitors to this Court, who demand the Anſwer, Examination, or Depoſition of any Perſon that goes under the name of, or is reputed a Quaker, he or his Clerk in this Court, ſhall duly inform and leave a Note in writing with the Clerk of the other ſide thereof. And the Clerk for ſuch Defendant, Reſpondent, or the Party on whoſe behalf ſuch Witneſſes is to be examined, ſhall take care that two days notice in writing as aforeſaid, be given to the Plaintiffs Clerk of the place of abode, the time when, and before what Maſter ſuch perſon ſhall be ſworn, either to his Anſwer or Plea, or to any Interrogatories, in order to take his Depoſition or Examination in this Court, to the end that ſome perſon may if they think fit, be preſent and receive ſatisfaction, that the party is duly and regularly ſworn, and is the ſame perſon intended for the Defendants Reſpondent or Witneſs; and that every Defendant ſhall ſubſcribe his Name or Mark to his reſpective Plea or Anſwer, which the ſaid Maſter is to certifie, and alſo in whoſe preſence ſuch Anſwer or Plea was ſworn; and in caſe any Defendant or Reſpondent ſhall put in any Anſwer, Plea or Examination, or Witneſſes be examined, without ſuch notice being left as aforeſaid, ſuch Defendants or Reſpondents may be proceeded againſt, as if no Anſwer were put in or Examinations taken, and the Depoſitions of ſuch Witneſs or Witneſſes are to ſtand ſuppreſſed. And the Maſters of this Court are to be very circumſpect, careful and wary in the Adminiſtring of Oaths to all Perſons whatſoever, that the ſame be adminiſtred reverently, and according to Law. *Finch*, C.

Term' Paſchæ, Anno Regni *Caroli* II. Regis 28. 1676.

Touching farther Anſwer.

WHereas all Perſons ſummoned to appear *in propriis perſonis*, and anſwer ſuch Bills as are exhibited againſt them, ought fully to anſwer before they depart. Yet of late Complaints have been made, that Defendants for delay, either put in friyolous Pleas or Demurrers on inſufficient Anſwers; and ſuch Plea or Demurrer being over-ruled, or Anſwer reported inſufficient, new proceſs of *Subpœna* iſſued to make farther Anſwer, and when Defendants had ſtood out Proceſs of Contempt for want of Appearances or Anſwers in time, and have been diſcharged thereof by paying or tender, and refuſal of the Coſts, new Proceſs of Contempt were to iſſue for any ſubſequent fault, which occaſioned not only great delay, but expence and vexation to the Proſecutor, which the Right Honourable the Lord High Chancellor of *England* taking into conſideration, for prevention of the like dilatory proceedings for the time to come, doth order and ordain, That in all ſuch caſes where the Defendants are to make farther Anſwers, the Plaintiff ſhall not be obliged to ſerve the Defendant with a *Supæna* to make a better Anſwer, but ſhall only be obliged to give a Rule to make a better Anſwer, if it can be given in Term time, or if not, then to give the Defendants Clerk in Court a Copy of the Order or Report, whereby the Defendant ſhall be ruled to make ſuch better Anſwer, during the continuance of the publick Seals, before, or after the Term; and if after ſuch Rule or Notice ſo given, the Defendant do not in eight days put in a perfect Anſwer, or by order or conſent of the Clerk on both ſides, obtain a Commiſſion to Anſwer, and thereby return

return a perfect Answer at the return thereof, the Process of Contempt shall issue for want thereof; and in case any former Process of Contempt shall have issued against such Defendants for want of appearing, or answering, the Plantiff may resort back to such Process of Contempt, and proceed thereupon, after such Rule or Notice given as aforesaid, notwithstanding the Costs of such former Process were paid upon the coming in of such insufficient or frivolous Answer, Plea or Demurrer; but when the Defendant hath put in a full Answer, such Costs as he had paid for such former Process, shall upon payment of the rest be deducted and allowed to him.

Finch, C.

Lunæ 3 die Julii, Anno Regni *Caroli* II. Regis 28. 1676.

Of sending Records into the Chappel of the Rolls.

IT is this day ordered by the Right Honourable the Lord High Chancellor of *England*, and the Honourable the Master of the Rolls, That the Six Clerks of the High Court of Chancery, do forthwith send the Inrolments of all Patents, which they, or any of them, or their respective Clerks have in their, or any of their Custody, fairly written in Parchment, and carefully examied, into the Petty Bag Office, to be estreated, together with the Privy Seals and Warrants for the same, and also all Decrees, with the Docquets thereof, to the Chappel of the Rolls, to remain there. And that the Clerk of the Inrolmens do also send the Records of all Deeds and Recognizances Inrolled, duly examined, to the said Chappel; and that all Records in the Petty Bag Office, after the same are estreated, be remitted with their Warrants from thence into the Chappel of the Rolls according to the ancient usage heretofore, for sending Records into the

ſaid Chappel (*viz.*) the Patents after three years, from the time of their Inrolments, and the Records of Deeds and Recognizances from the Inrolment Office, after two years, from the time of Inrolment, and ſo from year to year for the future. And that ſuch Records as are come into the Chappel, and not fit to be received and continued there by reaſon of their ill Carracter, bad Parchment, Razures or Interlineations, be tranſcribed within the Chappel of the Rolls, at the Charge of the ſaid Six Clerks, and the Clerk of the Inrolments, to which of them the ſaid Records did at firſt properly belong.

Martis 1 die Januarii, Anno Regni *Caroli* II. Regis 29. 1677.

Touching hearing Cauſes.

WHereas Complaint hath been made to this Court, as well by the Counſel at the Bar, as others, that there is a great abuſe committed, in not timely publiſhing of Cauſes, Pleas, Demurrers, Exceptions to Reports and the like, that are ordered to be heard, and not ſetting of them up in a Paper in the Regiſters Office in due time, by reaſon whereof the Counſel are many times ſurprized, and cannot be prepared to hear their Clients Cauſes as they ought to be, to the great prejudice of the Suitors, and parties that ſue in this Court for Juſtice: For regulation whereof, it is ordered, That a Note of all Cauſes, Pleas, Demurrers, Exceptions to Reports, and the like, that are ordered to be ſet down for hearing, ſhall hereafter from time to time be affixed, and ſet up by the Regiſters in their Office, two days before the ſame are reſpectively appointed to be heard. And in order hereunto all Clerks, Solicitors and others, are hereby required to bring to the Regiſters Office, in due time, all Orders for ſetting down of Cauſes, Pleas, Demurrers,

rers, Exceptions to Reports and the like, made upon Petitions or otherwiſe, that ſo they may be ſet up in the Regiſters Office as aforeſaid, otherwiſe the ſaid Cauſes, Pleas, Demurrers, Exceptions to Reports and the like, ſhall reſpectively be put off from hearing for that time, and ſhall not come on again to hearing without farther Order.

Finch, C.

Veneris 20 die Junii, Anno Regni *Caroli* II. Regis 31. 1679.

Touching filing Exceptions to Reports.

IT is this day ordered by the Right Honourable the Lord High Chancellor, that from this day no Exceptions whatſoever ſhall be received by, or filed with the Regiſter, to Reports touching the ſufficiency or inſufficiency of any Defendants Anſwer, unleſs ſuch Exceptions ſhall be brought and filed, and notice thereof given to the Clerk in Court of the other ſide. And it is farther ordered, That this Order be ſet up affixed in the publick Offices of the Six Clerks and Regiſters, to the end that all Perſons concerned may take notice thereof, and act accordingly.

Jovis 25 die Martii, Anno Regni *Caroli* II. Regis 32. 1680.

Touching Bankrupts.

Ex Parte Thomæ Knatchbal Armigeri.

THE Right Honourable the Lord High Chancellor of *England*, being now attended by Mr. *Matthew Petley* and his Counſel, in the matter of the pretended Office of Regiſter, upon all Commiſſions of Bankrupts within the City of *London*, and Places

Places adjacent, which pretended Office hath formerly been, and now is claimed by the ſaid Mr. *Matthew Petley*, under colour of ſome Patent granted by His Majeſty; and ſeveral perſons who have been uſually concerned as Commiſſioners in Execution of ſuch Commiſſions, now alſo attending with their Counſel, ſeveral Objections were made againſt the validity of the Grant, or Patent, under which the ſaid Mr. *Petley* claimed. And that upon a former debate it had been by his Lordſhip, upon ſeveral Complaints and Petitions on that occaſion declared, that it would be a very great burthen on the Subject: His Lordſhip on hearing what was inſiſted on by all Parties, declared, That although he ſaw no cauſe to give any countenance at all, as to the eſtabliſhment of any ſuch Office of Regiſter, as the ſaid Mr. *Petley* claimed by vertue of the ſaid Patent: Nevertheleſs in regard many Complaints and Petitions have been frequently made and preſented to his Lordſhip, occaſioned by the ill management of Commiſſions of Bankrupts, in and about the City of *London* and *Weſtminſter*, and the Counties adjacent, and more particularly of the loſing and miſlaying of ſuch Commiſſions, and Depoſitions, and Orders thereupon taken, whereby great loſs and prejudice hath hapned to the Subject; His Lordſhip thought it neceſſary and convenient, That ſome Perſon ſhould be appointed to attend the ſaid Commiſſioners, either by himſelf, or his ſufficient Deputy or Deputies in that behalf, and ſhould have the Cuſtody of ſuch Commiſſions and Proceedings, as ſhould be had before the ſaid Commiſſioners, and ſee them to be ſafely kept in ſome publick or convenient place, whereof all perſons may have notice, to the end ſuch Creditors as are concerned in the taking out, and proſecution of ſuch Commiſſions, may reſort thither as occaſion requires. And the Commiſſioners and Creditors now preſent, together with their Counſel acknowledging, that it is moſt neceſſary for the

ſafety

ſafety of both the Commiſſions and Orders, and alſo for the Bankrupts themſelves and their Creditors, that the Cuſtody of ſuch Commiſſions and Proceedings ſhould be put in ſome ſafe and ſecure hands: His Lordſhip is thereupon pleaſed to order, and doth hereby order, That Mr. *Thomas Knatchball* ſhall be, and is hereby ordered and appointed to have the inſpection by himſelf, or his ſufficient Deputies, from time to time, of all the Commiſſions of Bankrupts, and Proceedings thereupon, that ſhall at any time or times hereafter be taken out againſt any Bankrupts within the City of *London* and *Weſtminſter*, and places adjacent within the Weekly Bills of Mortality, as alſo of all ſuch Commiſſions as ſhall be taken out againſt any Perſon or Perſons becoming Bankrupt or Bankrupts, within the adjacent Counties hereafter mentioned, that is to ſay, within the Counties of *Middleſex*, *Eſſex*, *Hartfordſhire*, *Surry*, *Suſſex*, *Buckinghamſhire*, *Berkſhire* and *Kent*, to the end he may upon any Complaints or occaſion, be the better enabled to inform his Lordſhip of the true ſtate of the Matters, whereof any Complaints ſhall, or may happen to be hereafter made. And alſo that he, or his ſufficient Deputy or Deputies ſhall have the keeping of all ſuch Commiſſions and Depoſitions, and other Orders and Proceedings thereupon, that the ſame may at all times be produced, and that the perſon concerned may have free reſort thereunto as occaſion ſhall require.

Finch, C.

Lunæ 29 die Octobris, Anno Regni *Caroli* II. Regis 35. 1683.

Concerning Orders touching Accounts.

THE Right Honourable the Lord Keeper, &c. taking into his moſt ſerious Conſideration, the delays and great expences that doth happen to Suitors by

by Exceptions taken to Maſters Reports made in purſuance of Orders upon hearing, and eſpecially ſuch whereby Accounts are directed to be taken, which his Lordſhip conceives might in a great meaſure be prevented, if the Maſter were informed of the Matter of ſuch Exceptions, before the ſigning and allowing of the ſaid Report. His Lordſhip doth therefore order, That every Maſter of this Court, to whom any Accounts is referred, or other Matter by any Order, upon the hearing of the Cauſes when he hath fully heard both parties, and prepared his Report, ſhall at the requeſt of either party, give out a Summons, that both parties, or ſome for them ſhall again attend him, who ſhall have liberty to peruſe ſuch his Report, or take a Copy thereof. And that ſuch perſon that is diſſatisfied therewith, do in four days, next after ſuch attendance, bring in a Note in Writing of their Exceptions thereto, and take out a Summons to be heard thereupon, and then the ſaid Maſter is to ſettle and finiſh his Report, as he ſhall find Juſt. And it is further orderd, That when upon hearing of Exceptions, it ſhall appear to the Court, that the party excepting did not offer his Objections before the Maſter, becauſe he depended upon his Appeal to the Court, and ſought delay. In ſuch Caſe though the Exception ſhall be allowed, yet the party for his neglect, and occaſioning trouble to the Court, and charge, and delay to his Adverſary, ſhall pay ſuch Coſts as the Court ſhall think reaſonable. And it is further ordered, That whereby Special Order the Court ſhall admit Exceptions to any Report, whereby Money is reported due, after the time wherein ſuch Exceptions ſhould regularly have been filed, no proceedings upon ſuch Report ſhall be ſtaid without giving ſecurity, or bringing the Money reported due into the Court, unleſs the Court ſhall provide otherwiſe by particular Order.

Gilford, C. S.

Sabbati

Sabbati 9 die Maij Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Witneſſes Examined.

IT is this day ordered by the Right Honourable the Lord Keeper, *&c.* That when any Witneſs ſhall be brought to any Clerk in Court to be ſhewed, before he be examined, the party that produceth him, ſhall not only have a Note in writing of the Name and Title of ſuch Witneſs, and Pariſh where he lives: But if ſuch Pariſh ſhall happen to be any of the Pariſhes within the Bills of Mortality, ſuch Note ſhall alſo contain what Street and Houſe in ſuch Pariſh ſuch party lives, and whether he be a Houſekeeper or Lodger, to the end ſuch Witneſs may with more eaſe be enquired after, and croſs-examined if required; and the Clerks are to take care to ſee this Order performed.

Lunæ 13 die Julij, Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Clerks.

IT is this day ordered by the Right Honourable the Lord Keeper, *&c.* That no agreement that ſhall hereafter be made between any of the Clerks or Solicitors in this Court, relating to any of their Clients Cauſes, ſhall be of any avail, unleſs ſuch Agreement, or ſome Note or Memorial thereof be put into writing, and ſubſcribed by the party that is to be bound thereby.

Lunæ

Lunæ 13 die Julij, Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Serjeant at Arms.

WHereas Complaint was made to the Right Honourable the late Lord Chancellor *Finch* by the Serjeant at Arms, attending the Great Seal, that after Contempts were profecuted to a Serjeant at Arms, and a Commitment pronounced, the Profecutor would draw up the Order, and never take out the Warrant thereon, but make uſe thereof to force the party profecuted into ſome Compoſition, ſometimes for the whole Matter in difference, but uſually for the diſcharge of the Contempts, whereby the Serjeants Imployment was rendred in great part ineffectual. For the prevention whereof his Lordſhip did thereupon order, That after an Order for a Serjeant at Arms ſhould be granted by the Court, the Regiſter ſhould on requeſt draw up the ſaid Order, and deliver the ſame to the Serjeant at Arms or his Deputy, and no other perſon, they paying for the ſame, by which means he ſhould, or might endeavour to apprehend the Party profecuted, and bring him into the Court to anſwer the Contempts if he could; but if he could not, his Lordſhip doth further order, that no Order for a Serjeant at Arms drawn up, and paſt by the Regiſter, ſhould be diſcharged the Contempts thereupon, without the Serjeants Fees be paid to him, and a Certificate made under his Hand teſtifying the ſame; and after the ſaid Order being ſo drawn up and paſt as aforeſaid, no private or other Agreement ſhould be made between the Party or Parties, and the Perſon or Perſons ſo ſtanding in Contempt as aforeſaid, or any other perſon on their, or any of their behalfs, without ſuch ſatisfaction ſhould be made, and a Certificate of the ſame ſhould appear to the Court: Now upon Inform-

Information made to the Right Honourable the Lord Keeper of the Great Seal of *England* by the Serjeant at Arms, that the ſaid Order had not been duly obſerved, to his great loſs and prejudice, His Lordſhip doth order, that the ſaid Order be revived, and that all perſons concerned do take notice thereof, and yield obedience thereto accordingly.

Lunæ 26 die Octobris, Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Affidavit of Witneſſes.

IT is this day ordered by the Right Honourable the Lord High Chancellor of *England*, That where any perſon, Plaintiff or Defendant ſhall ground any Motion or Petition on an *Affidavit* of material Witneſſes to examine, whereby to gain longer time to examine, ſuch *Affidavit* ſhall not only contain the Names of the chiefeſt of ſuch Witneſſes, but the points on which ſuch Witneſſes are deſired to be examined, to the end the Court may ſee whether ſuch points be material to be examined, and whether before or after the hearing, that all delays heretofore occaſioned by unneceſſary examination may be avoided for the future.

Mercurij 12 die Maij, Anno Regni *Jacobi* II. Regis 2. 1686.

Touching Rehearing.

IT is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That no Rehearing or Appeal ſhall for the future be granted, but the party appealing ſhall depoſite in the hands of the Regiſter the ſum of 5 *l.* to recompence the other party in Coſts, on ſuch Rehearing he ſhall not be relieved; and

and when any Rehearing is granted, ſuch Rehearing ſhall not any way ſtop or hinder any proceedings on the Order or Decree appealed from, without ſpecial Order of this Court, but the party in poſſeſſion of any Order, ſhall be at liberty to proceed thereon, as if no Appeal or Rehearing was granted.

Veneris 30 die Aprilis, Anno Regni *Jacobi* II. Regis 2. 1686.

Touching Exceptions to Reports.

WHereas by an Order of the 12th of *February*, 22 *Car.* II. It is ordered that every perſon that ſhould put in Exceptions to a Maſter's Report, ſhould beſides the 40 *s.* depoſited upon exhibiting the ſame, pay 10 *s.* further Coſts for every Exception, and diſtinct branch of an Exception, which ſhould upon the hearing thereof be over-ruled: Which ſaid Order having not of late been obſerved, and the Right Honourable the Lord High Chancellor of *England* taking notice of the trouble and loſs of time to the Court, and expence and delay to the Suitors, occaſioned by putting in Exceptions to Maſters Reports, many of which do prove frivolous and vexatious, doth for prevention thereof declare and order, That the ſaid Order of the 12th of *February* aforeſaid, be revived and duly obſerved, and doth further Order, That for the future, where any Plaintiff or Plaintiffs ſhall take Exceptions to a Defendants Anſwer, and ſhall appeal to the Court for their Judgment thereon from the Report of any Maſter, ſuch Plaintiff or Plaintiffs ſhall pay 10 *s.* for every Exception or diſtinct branch of an Exception, which upon the hearing thereof ſhall be likewiſe over-ruled as frivolous, beyond the Coſts, which by the courſe of the Court, he or they are to pay.

Veneris

Veneris 18 die Junij Anno Regni *Jacobi* II. Regis 2. 1686.

Touching Hearing.

IT is this preſent day ordered by the Honourable the Maſter of the Rolls, That for the future, when any Cauſe or Cauſes ſhall come to be heard before his Honour at the Rolls, the Clerk in Court on either ſide ſhall attend ſuch hearing, to the end that his Honour may be informed, if occaſion require, that ſuch Cauſe or Cauſes are ready for his Honour's Judgment, and that the party or parties for whom they are concerned do appear to hear Judgment *gratis*, or that they were regularly ſerved with Proceſs for that purpoſe, as the Caſe ſhall require.

Mercurij 9 die Junij Anno Regni *Jacobi* II. Regis 2. 1686.

The Tranſacting of Records into the Chappel of the Rolls.

WHereas by an Order of this Court of 3d of *July*, 28 *Car.* 2. *nuper Regis*, It was ordered, That the Six Clerks of this Court ſhould forthwith ſend the Inrolments of all Patents which they, or any of them, or their reſpective Clerks then had in their, or any of their Cuſtodies, fairly written in Parchment, and carefully examined, into the Petty Bag Office to be Eſtreated, together with the Privy Seals and Warrants of the ſame; and alſo all Decrees, with the Docquets thereof, to the Chappel of the Rolls, to remain there; and that the Clerk of the Inrolments ſhould alſo ſend the Records of all Deeds and Recognizances, duly examined, to the ſaid Chappel, and that all Records in the Petty Bag Office, after the ſame were Eſtreated, be remitted with their Warrants from thence into

the Chappel of the Rolls, according to the ancient uſage heretofore for ſending Records into the ſaid Chappel, *viz.* the Patents after three years from the time of their Inrolment, and the Records of Deeds and Recognizances from the Inrolment Office, after two years from the time of Inrolment, and ſo from year to year for the future; and that ſuch Records as were come into the Chappel, and not fit to be received and continued there by reaſon of their ill Character, bad Parchment, Razures or interlineations, be tranſcribed within the Chappel of the Rolls, at the charge of the ſaid Six Clerks, and the Clerk of the Inrolments, to which of them the ſaid Records did at firſt properly belong; which Order having not of late been duly obſerved, by reaſon whereof great inconveniences may happen to ariſe to the Suitors of this Court in their particular concerns: As alſo to divers others of his Majeſty's Subjects, concerned in the Records in the ſaid reſpective Offices; the Right Honourable the Lord High Chancellor of *England*, and the Honourable the Maſter of the Rolls taking notice thereof, and of the great neglects that have been done by the reſpective Officers of the particular Offices, in not tranſmitting the Inrolments of Patents, and Decrees, and Docquets, Records, Deeds and Recognizances, according to the Direction and Intent of the ſaid Order, do therefore order, That the ſaid Order be revived, and a due performance and obedience given thereto by the reſpective Officers concerned in their reſpective Offices and Places they now are, or ſhall be concerned in relation to any of the Matters of this Order.

Veneris

Veneris 6 die Aprilis Anno Regni *Jacobi* II. Regis 3. 1687.

Touching Decrees.

WHereas for the preventing of differences that did ariſe upon Decrees and Orders pronounced in open Court, the Right Honourable the Lord High Chancellor, *&c.* hath from time to time cauſed all Minutes to be read in open Court, that the Counſel at the Bar, and other perſons concerned might take notice of what did concern their reſpective Clients, and ſpeak for the rectifying thereof, or adding thereto, as occaſion offered, whilſt the Matters were freſh in the memory of the Court, and have ſeveral times given directions, that afterwards none ſhould preſume either to petition or move the Court, complaining againſt any Order agreeing with the Minutes, except the Minutes ſhould after the reading thereof be altered, or the Regiſter ſhall fail in doing his duty purſuant thereto without conſent; and yet without due regard thereto, ſeveral Petitions have been ſince cauſeleſly preferred. His Lordſhip doth therefore this day order, That due obſervation be given to the parties concerned, when any Minutes are read in Court, to the end that no further Complaints may be made againſt the Officer, or the Minutes by him taken in Court, except as aforeſaid; and to the end no perſon may plead ignorance hereof, his Lordſhip doth direct, That this Order be fixed up in the Offices of the Six Clerks and Regiſter of this Court, that all due obedience may be given thereto.

Veneris 29 die Aprilis, Anno Regni *Jacobi* II. Regis 3. 1687.

An Examiner ſuſpended.

IT is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That *Richard Burreſton*, one of the Examiners Clerks in the Office of *William Adderly*, Eſq; one of the Examiners of this Court, (for that the ſaid *Richard Burreſton* did intruſt one *Philips*, who is no ſworn Clerk of the ſaid Office to tranſcribe part of the Depoſitions of a Witneſs examined by the ſaid *Burreſton*, in a Cauſe now depending in this Court, wherein one *Woollaſton* is Plaintiff, and *Winford* Defendant, before the ſaid Witneſs had perfected his Examination or Publication paſt in the Cauſe) be ſuſpended from any further Imployment in the ſaid Office, till further Order.

Veneris 29 die Aprilis, Anno Regni *Jacobi* II. Regis 3. 1687.

Touching Interrogatories.

WHereas by Experience, great inconveniences have hapned in ſeveral Cauſes, by the exhibiting Interrogatories, which are impertinently drawn into great length, whereby the Suitors have been put to great and unneceſſary Charges, as alſo leading Interrogatories, whereby the Witneſſes, by turning the Negative into the Affirmative, are led to ſwear to the whole Contents of an Interrogatory, and oftentimes thereby drawn ignorantly to forſwear themſelves, which in all times have been ſuppreſſed and deemed great abuſes. Now for prevention thereof for the future, it is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That from, and

and after the firſt day of *June* next, no Interrogatories ſhall be exhibited for the examination of any Witneſſes in any Cauſe depending in this Court, whether in Court, in the Examiners Office, or by Commiſſion in the Country, before ſuch Interrogatories ſhall be either drawn, or peruſed by Counſel (after due conſideration had of the Pleadings) and ſigned by them. But all Counſel are to take care, that no Interrogatories do ſlightly paſs their hands, contrary to the true intent and meaning thereof, leſt they incur the diſpleaſure of the Court therein; and that all Depoſitions taken contrary hereto, ſhall ſtand ſuppreſſed; and to that end, all the Clerks and Solicitors of this Court that are concerned in Cauſes, may not be ignorant hereof, his Lordſhip doth further order, That this Order be ſet up and fixed in ſome publick places in the Offices of the Six Clerks, and Examinors of this Court, that all due obedience may be given thereto.

Veneris 27 die Maii, Anno Regni *Jacobi* II. Regis 3. 1687.

Touching Orders on Petitions.

IT is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That from, and after this day, no Order or Direction made, or given by his Lordſhip, or the Honourable Maſter of the Rolls, upon any Petition (unleſs the ſame be by way of Summons) ſhall be of any authority or effect, as to the Proceedings or grounding *Subpœna's*, or other Proceſs in any Cauſe now depending, or which ſhall hereafter be depending in this Court, unleſs within three days in Term time, or in a Week in the Vacation after, the ſame ſhall be granted and ſigned by his Lordſhipor his Honour, an Order ſhall be drawn up and entred with the Regiſter on ſuch Petition, to the end no perſon may be ſurprized by any Private Or-

der, but that all parties concerned may have reſort, at all times, to ſee what Orders are from time to time made and granted, wherein they are concerned; and that no perſon may be ignorant thereof, it is further ordered, That this Order be ſet up in the Publick Offices of the Court concerned therein, that all due obedience may be given thereto.

Veneris 17 die Junij, Anno Regni *Jacobi* II. Regis 3. 1687.

Surrender of a Six Clerk to the Maſter of the Rolls.

WHereas *Arnold Browne*, Eſq; late one of the Six Clerks of this Court, hath ſurrendred his Office of Six Clerk in this Court, into the hands of me, the Maſter of the Rolls, whereby the ſaid Office is become vacant; and foraſmuch as the buſineſs in agitation, and to be tranſacted in that Office for the benefit of the King's People, Suitors in this Court, is not to be delayed or obſtructed for want of a fit perſon to manage the ſaid Office in the vacancy of a Six Clerk; and whereas I have this preſent 17th day of *June* 1687. under my Hand and Seal, deputed and appointed the ſaid *Arnold Browne* to Act, Agitate, Negotiate and Proceed in the buſineſs of that Office in my Name; and as my Deputy only, during my pleaſure, and have further authorized and impowred him the ſaid *Arnold Browne* ſo to do and act, and to write to the Great Seal, in my Name only, and not in the Name of him the ſaid *Arnold Browne*, and to enter and ſign all Proceedings, Certificates, Copies, and other things belonging to the Execution of the ſaid Office, in the Name of the ſaid *Arnold Browne*, but with the additions of Deputy to me Maſter of the Rolls, to wit (*Arnold Browne*, Deputy *Magr' Rotulor'*) as to take and receive the Profits thereof, as by the ſaid Deputation, inrolled in this Court, may and doth appear, for the due

due Execution of which ſaid Deputation, the ſaid *Arnold Browne* hath been duly ſworn, his Honour doth hereby order, direct and appoint the ſeveral reſpective ſworn Clerks of the ſaid Office, within or belonging to the Diviſion, late of the ſaid *Arnold Browne*, late Six Clerk, to apply themſelves to the ſaid *Arnold Browne*, as my Deputy, as aforeſaid, for the Diſpatch of the Buſineſs of that Diviſion, and to pay all ſuch Duties and Fees to his ſaid Deputy *Arnold Browne* as are due, appertaining, and accuſtomed to be paid to the Six Clerk of that Diviſion, and to do, and perform all other Acts, as the reſpective ſworn Clerk in Chancery ought to do to their reſpective Six Clerks; and to the end that no ſworn Clerk, or other perſons concerned may be ignorant of this Matter, his Honour doth order, that this Order be entred with the Regiſter of this Court, and put up in the Office of Six Clerks.

J. Trevor.

Mercurii 29 die Februar', Anno Regni *Jacobi* II. Regis 4. 1688.

Touching Miſdemeanors.

WHereas divers Complaints have of late been made to the Honourable the Maſter of the Rolls, of the outragious, rude and undecent Demeanors of divers of the younger Clerks, Servants and Writers, to and for the ſworn Clerk in the ſaid Six Clerk Office, to the great ſcandal of this Court, and hindrance of buſineſs, which hath been moſt notorious, by their throwing Dust, Filth, Ink, and many other things, to the damage and prejudice of the Suitors of this Court, and Maſters in the ſaid Office, and at other times by a rude and violent clapping their Desks, and making many loud Outcrys and Noiſes, and by evil treating their Maſters in the ſaid Office with opprobrious Language. All which his Honour having

having taken into conſideration, it is for the preventing the like Enormities for the future ordered, That the Meſſenger attending the Rolls, do take ſuch Servants, Clerk or Writer into Cuſtody (and by him to be carred to *Bridewell*) as ſhall at any time or times hereafter be guilty of either of the ſaid Enormities, or any other of the like nature, and there ſhall continue till further order, and for the ſecond offence ſhall be expelled the ſaid Office; and that due notice be given hereof, and that all perſons may take warning, this preſent Order is forthwith to be ſet up in the Six Clerks Office.

Martis 20 die Martii, Anno Regni *Jacobi* II. Regis 4. 1688.

Touching Regulating the Under-Clerks.

WHereas by a Decree heretofore made by the Right Honourable the Lord Keeper, *&c.* and the Honourable the Maſter of the Rolls, bearing date the 18th day of *June*, in the 20th year of the Reign of his late Majeſty King *Charles* the Second of bleſſed memory, for the better regulating the Six Clerks Office; it was amongſt other things Ordered, Ordained and Decreed, That the Number of the Under-Clerks to be allowed and admitted to practiſe as Clerks of this Court in the ſaid Six Clerks Office, ſhould be reduced and ſtinted to Sixty Clerks, and no more, at which number the ſaid Under-Clerks ſhould be continued, unleſs this Court ſhould find it neceſſary to increaſe or abridge the ſame; and further, that as well the Under-Clerks, then to be admitted, as every other perſon thereafter to be admitted to the place of an Under-Clerk in the ſaid Office, ſhould be in the Judgment of the Maſter of the Rolls, fitly qualified for ſuch Imployment, at or before the time of ſuch his admiſſion, and alſo before his and their entrance

trance upon that Imployment, ſhould take the Oath thereby directed, for his honeſt and faithful behaviour, and true dealing with, and towards the Records, Rolls, Pleadings, Books and Writings of this Court, and the other due performance of his place. And it was thereby further Ordered, Ordained and Decreed, That no perſon upon any pretence whatſoever, ſhould hereafter be permitted to practiſe as an Under-Clerk in the ſaid Office, but ſuch only as ſhould be firſt ſworn, and admitted as aforeſaid. And whereas for want of obſervance, and due obedience to the ſaid Decree, and other Orders made in purſuance thereof, manifold diſorders, and undue practices have crept into the ſaid Six Clerks Office, amongſt the Six Clerks, and the ſworn Clerks, and eſpecially by a liberty that the Six Clerks of this Court have aſſumed, and continued to themſelves, againſt the expreſs words of the ſaid Decree, the Duty of their places, and in Contempt of this Court, to allow, permit and licenſe ſeveral Perſons to practiſe in the ſaid Office, without being either allowed, ſworn or admitted by the Maſter of the Rolls, as the ſworn Under-Clerks of this Court are, and of right ought to be, to the confuſion, miſlaying, imbezling, falſifying, razing and defacing, and ſometimes to the loſs of the Records, Rolls, Pleadings, Books and Writings of this Court: And alſo that the ſworn Clerks of this Court have retained more Under-Clerks than one apiece, and have diſcharged and turned them off from their Service before they are preferred, to the undoing, and utter ruin of many, and to the diſcouragement of the training up and breeding of induſtrious and diligent Young Clerks to ſerve and ſucceed in the ſaid Office, which this Court hath always taken care of, and contrary to an Order for that purpoſe made by the Right Honourable Sir *Harbottle Grimſtone*, late Maſter of the Rolls: All which Abuſes, Irregularites and Diſorders tend manifeſtly to the obſtruction

obſtruction of Juſtice, and the orderly proceedings and diſpatch thereof, to the great ſcandal and diſhonour of this High and Honourable Court, and the irreparable damage to the King and Subject, if not prevented, the Right Honourable *George* Lord *Jeffreys*, Lord Chancellor of *England*, and the Right Honourable Sir *John Trevor*, Maſter of the Rolls taking the ſame into their ſerious conſideration, and the ways and means for redreſſing and preventing the ſame for the future, do hereby, and by the Authority of the High and Honourable Court of Chancery Order, Ordain, and Decree, That all and every ſuch perſon and perſons, ſo as aforeſaid allowed, permitted or licenſed by the Six Clerks in their ſeveral Diviſions and Offices, called Supernumerary or Licenciary Clerks, not allowed, ſworn and admitted as Under-Clerks, to practiſe as Clerks of this Court (excepting the two waiting Clerks allowed to each Six Clerk) be, and are hereby abſolutely, to all intents and purpoſes diſcharged and inhibited from practiſing in the ſaid Office, and from ſitting and writing in the ſaid Office of Six Clerks, until they ſhall be duly qualified, ſworn and admitted ſo to do: And the ſeveral Six Clerks of this Court are hereby required and commanded forthwith, upon the forfeiture of their reſpective Offices, to diſcharge all ſuch Perſon and Perſons out of the Office of Six Clerks, from whom as well as from the ſaid Supernumerary Clerks, this Court doth expect all due and ready obſervance and obedience to this Decree. And to the end that there ſhould not be wanting a convenient and ſufficient number of honeſt, able and expert Under-Clerks for the orderly proceeding, carrying on and quiet diſpatch of the Suitors, and buſineſs of this Court, his Lordſhip the Lord High Chancellor, and his Honour the Maſter of the Rolls do think it very fit and neceſſary, and do thereby Order, Ordain and Decree, That five Under-Clerks, ſuch as his Honour, the Maſter

Maſter of the Rolls ſhall in his Judgment think able, fitly qualified and allow of, ſhall be forthwith added to the Ten ſworn Under-Clerks in every Six Clerks Diviſion, and that each of them ſhall by the Maſter of the Rolls be ſworn, and admitted Clerks of this Court, and to practiſe in the ſame with all the like advantages, paying the like Fees, Dues and Duties, as the now ſworn Under-Clerks of this Court have enjoyed and paid, or ought to have, enjoy and pay, all which number, making fifteen in every Six Clerks Diviſion, the ſworn Under-Clerks of this Court ſhall continue, unleſs this Court ſhall find it neceſſary to reduce, abridge or increaſe the ſame; and from time to time upon any vacancy by Forfeiture, Surrender or Death, ſuch only ſhall be ſworn and admitted by the Maſter of the Rolls into their reſpective places, as his Honour in his Judgment ſhall think fitly qualified, and allowed of for the ſaid Imployment, the nomination of the Six Clerks being only for his Honours information, and the preſence of the Six Clerks at the ſwearing and admittance of an Under-Clerk being only, that he the Six Clerk may take notice of ſuch new Under-Clerk ſo ſworn and admitted: And further, the ſaid Under-Clerks hereby decreed to be ſworn and admitted, are to have ſuch Seats and Places provided and appointed for them to ſit, write and officiate in, in the Six Clerks Office, as the Maſter of the Rolls ſhall thing fit to order and appoint: But no Seat now belonging to any of the ſworn Clerks, ſhall be hereby altered, removed or abridged without his or their conſent. And for the better putting in execution of this Ordinance and Decree, and the encouragement of the Young Clerks, now Servants, or which hereafter ſhall be Clerks Servants, to the ſworn Under-Clerks of this Court; it is hereby Ordered, Ordained and Decreed, That from henceforth none ſhall be permitted to ſit or write, or diſpatch any buſineſs as a Clerk in the ſaid Office of Six Clerks, or have acceſs

ceſs to, or copy the Records thereof, but only the Six Clerks, and ſworn Under-Clerks, and their Clerks Servants reſpectively, which the Six Clerks and ſworn Under-Clerks of this Court are hereby ſeverally ſtrictly required to perform and keep, upon the peril of the forfeiture of their Places. And it is further Ordained and Decreed, That certain Orders made by the Honourable Sir *Harbottle Grimſtone*, late Maſter of the Rolls, for the better executing of the aforeſaid recited Decree, bearing date the 18th of *June*, in the 29th year of his late Majeſty King *Charles* the Second, of bleſſed memory, for the better regulating the Six Clerks, and for the better encouragement of the Young Clerks, who have, or ſhall ſerve the Six Clerks, or ſworn Under-Clerks of this Court, be hereby ratified and confirmed, ſubject to ſuch further additions and alterations as his Honour, the Maſter of Rolls ſhall thing fit to alter and make for the better putting in execution this preſent Ordinance and Decree, and for the true and better preſervation of the Records and Pleadings of this Court, wherein the ſecurity of the King, and the Juſtice of this Court is ſo much concerned; the which to preſerve from all frauds and evil practices, is the true aim and end of this preſent Ordinance and Decree: It is hereby Ordered Ordained and Decreed, That no Maſter of this Court do deliver, or ſuffer to be delivered, any Anſwer or Pleading of this Court to any Perſon or Perſons other than to a Six Clerk, or to one of the ſworn Clerks of this Court, and to no other, and that no Six Clerk of this Court do, upon the peril of his place, deliver any Bill, Anſwer or Pleadings of this Court, to any Perſon whatſoever, other than to a ſworn Clerk of this Court, or to their reſpective waiting Clerks, for whom they are to be anſwerable; and that no ſworn Clerk of this Court, upon the peril of his place, do deliver to any perſon whatſoever, any Bill, Anſwer or Pleadings of this Court,

other

other than to his reſpective Clerks Servants, for whom he is to anſwer, except by the Order of the Lord Chancellor, Maſter of the Rolls, or of this Court. And laſtly, It is Ordered, Ordained and Decreed, That this preſent Decree ſhall be inrolled in the Judgment Rolls of this Court, to be obſerved for the future, to all intents and purpoſes, according to the Tenor and true meaning hereof.

Jeffreys, C.
J. Trevor.

Lords Commiſſioners.

Martis 16 die Martii, Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

IT is hereby ordered, That the ſeveral Matters which have been by former Orders referred to Sir *William Beverſham*, Knight, deceaſed, ſhall either by Motion or Petition (as deſired) be transferred to *Samuel Keck*, Eſq; one of the Maſters of this Court, who is to proceed therein, as the ſaid Sir *William Beverſham* was to have done; and to that purpoſe, it is further ordered, That all the Books, Papers, Deeds, Writings and Accounts that concern the Cauſes ſo referred to the ſaid Sir *William Beverſham*, be tranſmitted to *Samuel Keck*, Eſq; when they ſhall be demanded. Dated this 16th day of *March* 168$\frac{8}{9}$.

John Maynard, C. S.
A. Keck, C. S.
W. Rawlinſon, C. S.

Martis

Martis 29 die Julii, Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Touching Hearing.

WHereas Cauſes are oftentimes brought to a Hearing, and the Pleadings in a Cauſe do not appear to be filed, whereby the Cauſes are put off, and the Suitors thereby put to great charges and delay; It is this day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That no Motion ſhall be made to haſten a Cauſe to hearing, that is either Adverſary, or by conſent, nor Cauſe entred with the Regiſter for hearing, notwithſtanding any Order, without Certificate firſt had from the Six Clerk, that the Pleadings are filed, for which no Fee is to be taken. And it is further ordered, That all Clerks ſhall enter their Pleas and Demurrers within eight days after filing, according to the ancient Rule, but the ſame are not to be entred without a Certificate firſt had of the filing of the Bill, Plea and Demurrer.

Mercurii 23 die Octobris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Touching Rehearing.

IT is this day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That when any Cauſe ſhall be appointed to be reheard, the party appearing ſhall two days at leaſt before the day appointed for ſuch Rehearing, attend their Lordſhips with a true Copy of the Order or Decree Appealed from, as alſo with a true Copy of the Petition, upon which ſuch Rehearing was granted, that their Lordſhips may upon all Rehearings be apprized of the Order and Decree, and the Objections againſt the ſame.

Lords

Lords Commiſſioners.

Veneris 17 die Januarii Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Touching Exceptions to Maſters Reports.

WHereas the Right Honourable the late Lord Keeper *Bridgman*, taking notice of the trouble, loſs of time, expence and delay to the Suitors, occaſioned by putting in Exceptions to Maſters Reports, many of which did prove frivolous and vexatious, did by Order of the 12th of *February*, 22 *Car.* 2. for the prevention thereof declare and order, That for the future, every perſon that ſhould put in Exceptions to a Maſters Report, ſhould beſides the 40 *s.* depoſited upon exhibiting the ſame, pay 10 *s.* further Coſts for every Exception or diſtinct Branch of an Exception, which ſhould upon the hearing thereof be over-ruled; and whereas the Right Honourable the Lords Commiſſioners, *&c.* finding the like inconveniences to continue, by reaſon the ſaid Order hath not been duly purſued, do for the preventing thereof for the future, Order, That the ſaid Order, made by the ſaid Lord Keeper *Bridgman*, be revived, with this further, That for every frivolous and impertinent Exception, or diſtinct Branch of an Exception, that ſhall from time to time be put into any Report, and ſhall on arguing be over-ruled as frivolous and impertinent and ſo declared, the Exceptant ſhall for every ſuch Exception, or Branch of ſuch an Exception, pay to the other ſide 20*s.* Coſts, and for every frivolous Exception, or Branch of an Exception, though not opened, but waved, the Exceptant in ſuch caſe ſhall pay 10*s.* Coſts; which ſaid 20 *s.* and 10*s.* are to be paid over and above the 40 *s.* depoſited according to the Rule.

A. Keck, C. S.
W. Rawlinſon, C. S.

Sab-

Sabbati 14 die Maii, Anno Regni Regis & Reginæ Gulielmi & Mariæ 4. 1692.

Touching Exceptions to Maſters Reports.

WHereas it hath been by experience found, that Exceptions have been frequently taken to Maſters Reports, which on arguing have appeared very frivolous, tending only for delay, and whereby the Suitors are put to great charges to bring on ſuch dilatory Exceptions; It is this day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That when, and as often as any Party, Plaintiff or Defendant ſhall take and file Exceptions to a Report, made in any Cauſe, either now depending in this Court, or which ſhall hereafter be depending, the Party ſo excepting, ſhall within eight days after ſuch Exceptions filed, procure a fixt day for the ſetting down ſuch Exceptions to be heard, and thereof give due notice to the Clerk in Court for the other Party, or in default thereof ſuch Exceptions ſo filed, ſhall from, and after the Expiration of the ſaid eight days ſtand over-ruled, and the Party obtaining ſuch Report, ſhall be at liberty to proceed thereon as if no Exceptions were ever filed.

Sabbati 29 die Octobris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 4. 1692.

Touching Filing Reports and Certificates.

WHereas it hath been found of late too common a practice for to ground Contempts, Orders and Decrees, and other Proceedings, on Reports of the Maſters of this Court, before the ſame be actually filed with the Regiſter of this Court, where the ſame ought to be filed, before any proceedings be had thereon.

thereon. Now for the prevention thereof, and of the inconveniences that may happen to the Suitors by ſuch neglects; It is this preſent day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That all Reports and Certificates that ſhall be made and ſigned by any of the Maſters of this Court, (ſhall by him that ſueth forth, or taketh the ſame from the reſpective Maſters) be filed with the Regiſter of this Court within four days after the making and ſigning thereof, and that the Regiſter, when any Report or Certificate is brought to be filed, ſhall endorſe on the back thereof the day of the receiving and filing ſuch Report and Certificate, and that all Proceedings which ſhall hereafter be grounded on any Report or Certificate, not filed as aforeſaid, ſhall be utterly void and of none effect; and ſuch neglect of filing being made appear to their Lordſhips by the Certificate of the Regiſter, ſhall be good cauſe for the diſcharging of Proceedings thereupon, and alſo for the incurring ſuch further Coſts as their Lordſhips ſhall think fit to inflict on the Party offending contrary hereto; and that for the better and more publick notice of this Order, fair Copies thereof are forthwith to be made, and put up in the Regiſters Office, Maſters Office and Six Clerks Office, for all perſons concerned to take notice thereof.

Veneris 7 die Julii, Anno Regni Regis & Reginæ Gulielmi & Mariæ 5. 1693.

Exceptions to Maſters Report.

WHereas by an Order of the 14th *May* 1692. It was ordered, That the Party excepting to any Report, ſhould within eight days after the filing thereof, procure a fixt day for the hearing thereof, or otherwiſe ſuch Exceptions ſo filed, ſhould be overruled, and the other Party ſhould be at liberty to pro-

ceed, as if no Exceptions had been filed. Now forasmuch as the ſaid Order, in the execution thereof, hath inſtead of the benefit intended to the Suitor, thereby proved an inconvenience, the Right Honourable the Lord Keeper, *&c.* doth order, That the further execution of the ſaid Order be ſuſpended till further order.

Jovis 7 Decembris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 5. 1693.

Touching Clerks Misbehaviour.

WHereas a Complaint was this day made to the Right Honourable the Maſter of the Rolls of the misbehaviour of ſeveral of the younger Clerks in the Six Clerks Office; it is ordered that Mr. *Watkins*, Mr. *Mutchell*, Mr. *Wright*, Mr. *Raworth*, Mr. *Burroughs*, Mr. *Cook*, Mr. *Conſet*, Mr. *Talbott*, Mr. *Lloyd*, Mr. *Downeing*, and their Clerks, do attend his Honour on *Saturday* next, at three in the Afternoon, at which time Mr. *Wilkinſon*, Mr. *Bagſhawe*, Mr. *Jaques*, Mr. *Bridges*, and Mr. *Derbyſheirs* Clerks are alſo to attend, when ſuch further Order ſhall be made as ſhall be juſt, and that the Meſſenger attending this Court do give notice thereof to the ſaid reſpective perſons.

Sabbati 9 die Decembris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 5. 1693.

Touching the Six Clerks, and Under Clerks.

WHereas Complaints have been made by the Petition of the ſworn Clerks of this Court to the Right Honourable the Maſter of the Rolls, that divers of their Under-Clerks have of late behaved themſelves after a bold, inſolent, rude and diſorderly manner in the Six Clerks Office, as well towards their re-

reſpective Maſters, as to others the ſworn Clerks, and to the Suitors of the Court, attending the diſpatch of their buſineſs there, by unmannerly and abuſive language, breaking of Windows, cutting Desks, breaking down Seats, throwing Stones and other things at the ſaid ſworn Clerks, and their Clients, whereby, and by making rude and undecent Noiſes, often forced them to leave the ſaid Office, and cauſed the ſame to be ſhut up in the moſt uſual time of buſineſs, and when the Court hath been ſitting, to the great ſcandal thereof, and damage of the ſaid ſworn Clerks and their Clients, and contrary to the duty of the ſaid Under-Clerks, and the ancient and laudable uſage of the ſaid Office. And whereas Complaint hath been likewiſe made to his Honour by the Petitions of the Under-Clerks, that the Six Clerks do take and imploy perſons to be their waiting Clerks, who have not been Articled Clerks, or ever educated and imployed in the ſaid Office, and that ſeveral of the ſworn Clerks have, and do not only take more than one Articled Clerk, which they by the Rules and Orders of the ſaid Court, for the Government of the ſaid Office ought not to do; but do likewiſe carry the Records out of the ſaid Office, and cauſe the ſame to be copyed at under rates, by perſons out of the Office, rather than to allow to their Under-Clerks their due Fees for Copying thereof: All which proceedings are not only contrary to the ancient Orders and Rules of the ſaid Office, but manifeſtly tend to the diſcouraging of diligence, induſtry and Clerkſhip, and to the introducing of ignorance. All which matters his Honour taking into his ſerious conſideration, and being minded to prevent the like and all other abuſes and diſturbances, in the ſaid Office for the future, and for the time to come to keep and reſtrain the ſaid Under-Clerks within ſuch Rules and decent behaviour towards all, and every the ſworn Clerks of the ſaid Office and their Clients, as ought to be practiſed and

obſerved amongſt the Clerks in ſo High and Honourable a Court; doth think fit and ſo order, that none of the ſaid Under-Clerks do hereafter preſume by any of the ways aforeſaid, or by any other means on any pretence whatſoever, to make any ſuch Noiſe or diſturbance, or commit any diſorder in the ſaid Office, or cauſe or procure the ſaid Office to be ſhut up, or endeavour to force or oblige any of the ſworn Clerks or their Clients to depart from, or leave the ſame; And that the ſaid Office be not for the future ſhutup at any times, than only upon ſuch Holy-days as are kept by the Court in Term-time, and ſuch only in Vacation as are or ſhall be appointed to be kept by Act of Parliament, or any other publick Authority. And further, That no Under-Clerk in the ſaid Office ſhall from henceforth, during the time of his Clerkſhip, preſume to wear any Sword either in or out of the ſaid Office within the Cities of *London* or *Weſtminſter* or the liberties thereof, or to be covered or wear his Hat in the ſaid Office in the preſence of any one of the ſworn Clerks; but that all the ſaid Under-Clerks ſhall, during all the time of their reſpective Clerkſhips, as well in their Maſters Seats, as elſewhere in the ſaid Office be uncovered, and behave themſelves orderly, ſoberly, and with reſpect towards all the ſworn Clerks, and the Suitors of the Court: And in caſe any of the ſaid Under-Clerks ſhall be idle in the ſaid Office, out of their Maſters Seats, they ſhall upon the admonition or command of any of the ſworn Clerks, immediately repair to their Maſters Seats, and quietly ſit and attend their buſineſs there, from ſeven of the Clock in the Morning in *Summer*, and eight in the *Winter* till twelve of the Clock at Noon, and from two of the Clock in the Afternoon until ſuch time as their reſpective Maſters ſhall think fit: And in caſe any of the ſaid Under-Clerks ſhall be hereafter guilty of any the aforeſaid, or any other abuſes, diſorders or indecencies in the ſaid Office, he and they ſo offending,

ing, ſhall undergo ſuch puniſhment, either by expulſion or otherwiſe, as his Honour or the Maſter of the Rolls, for the time being, ſhall think fit to inflict; and for the better incouragement of the Under-Clerks, and to the end the Rules and Orders for the Government of the ſaid Office may be the better obſerved for the future, his Honour doth further order, That no Six Clerk do for the future take any perſon to be his waiting Clerk or Clerks, but ſuch who are, or have been Clerks articled to ſome one of the ſworn Clerks of the ſaid Office; and that they have not above two waiting Clerks each, and if any of their future waiting Clerks have not been Articled Clerks, ſuch waiting Clerks ſhall be forthwith diſcharged, and that no ſworn Clerk do take and have more than one Articled Clerk at the ſame time, before his firſt Articled Clerk be preferred in the ſaid Office, or that the firſt Articled Clerk be diſcharged with the knowledge and approbation of his Honour, or the Maſter of the Rolls, for the time being: And if any of the ſworn Clerks now have any more than one Articled Clerk, that ſuch ſworn Clerk do diſcharge his ſecond Articled Clerk from the ſaid Articles, and deliver up his Articles, with what he hath received with him, his Honour declaring, That if any ſworn Clerk have, or ſhall preſume to Article with a ſecond Clerk, before the firſt Clerk be preferred in the ſaid Office, or diſcharged as aforeſaid, ſuch Articles ſhall be deemed and taken to be *ipſo facto* void and of none effect. And doth further order, That no ſworn Clerk do preſume, being contrary to his Duty, to carry any Records out of the ſaid Office, without leave firſt obtained from the Maſter of the Rolls, for the time being, nor do imploy any perſon in the Copying of any Records, but ſuch who are Articled Clerks, unleſs in caſe of ſickneſs, or that the Articled Clerk ſhall refuſe or neglect to Copy the ſame, whereof Complaint is immediately to be made to his Honour, to the end the ſame may be redreſt.

dreſt. And to the end this Order may be the better known, effectually obeyed and duly obſerved, his Honour requires and expects the ſame to be fairly ingroſſed, and from henceforth hung up in the ſaid Office in a Frame to be provided for that purpoſe.

Sabbati 19 die Januarii. 1694.

Touching Reading Depoſitions.

WHereas in former times, as well as lately, Complaints have been made by the Examiners of this Court, That after Depoſitions of Witneſſes have been taken in their Office between parties, Plaintiff and Defendant, one of the ſaid Parties, or ſome of their Agents, have taken out the Copies of Depoſitions for his Party only; and afterwards the ſame Party hath for Money or other Reward, given or ſuffered other Copies to be made out of them, to the adverſe Party, his Solicitor or Agent, who have made uſe of them on all occaſions, as if authentick: By reaſon of which ſaid ſecond Copies, ſo ſurreptitiouſly made, the Court may be miſguided; all which doings tend to the great abuſe of the Court, and prejudice of the Clients and their Cauſes, as well as to the ſcandal of the ſaid Office, and the depriving the Officers of their due Fees. And whereas Orders have been made (as often as grounds for the ſaid Complaints have been offered) for the redreſſing thereof; but the directions thereby given have proved ineffectual, ſome of them tending rather to put the Party agrieved to a further charge than to redreſs the grievances complained of. And whereas the preſent Examiners of this Court have by their humble Petition beſought the Lord Keeper of the Great Seal of *England* for redreſs in the Premiſſes, and to prevent the like inconveniences for the future, and his Lordſhip having taken their ſaid Petition into his ſerious conſideration, and calling to mind, that the like matter thereby complained of, happened

happened lately in Court in the Cauſes of *Wilcox* and *Doughty*, and *Doughty* and *Wilcox*, and obſerving that the laſt Order made in ſuch Caſes, that the Cauſes ſhould be put off, and five Pounds paid to the other ſide is no redreſs to the Court, (who is the Party grieved, he being put to the new charge of another days attendance, and the five Pounds being never paid) foraſmuch as the Clerks and Agents on both Sides are Confederates in the ſaid practice; wherefore for the prevention of the like Scandal to the Court, Charge to the Clients, and Fraud to the ſaid Officers for the future, his Lordſhip doth order, That no Copies of Depoſitions ſhall be read or made uſe of, either in Court, or before any Maſter in any Cauſe, but ſuch as is taken out of the proper Office, and ſigned for the Party, for whom the ſame ſhall be read: And to the end this Order may be more ſtrictly purſued, his Lordſhip doth further order, That the ſaid Examiners ſhall by themſelves, or by their Deputy, have liberty from and after the 22d day of *January* inſtant to attend in Court, at the hearing of all Cauſes, to inſpect all Books of Depoſitions which are brought into Court and read, either for Plaintiff or Defendant, and to ſee whether they be duly ſigned for the Party that doth produce the ſame: And in caſe the ſaid Examiners, or either of them, or their Deputy ſhall diſcover to the Court any ſuch fraud or practice committed, that then the Cauſe or Cauſes, wherein ſuch practice or fraud is committed, ſhall be put off, and the Parties offending ſhall ſtand committed to the Priſon of the *Fleet* until the Officer injured be agreed with, and paid his due Fees; and until they ſhall have alſo paid the Sum of five Pounds into the hands of ſuch perſon, as his Lordſhip ſhall direct, for the uſe of the Poor, and until ſuch Client or Clients as ſhall be prejudiced, by putting off his or their Cauſe, ſhall be reimburſed his Charges in reſpect thereof, and until the further Order of this Court: And that

no perſon may plead ignorance herein, this Order is to be ſet up in the ſeveral Offices concerned therein, belonging to this Court.

Martis 12 die Junii, 1694.

Touching Serjeant at Arms.

WHereas Complaint was made to the late Lord Chancellor *Finch* by the Serjeant at Arms attending the Great Seal, That after Contempts were proſecuted to a Serjeant at Arms, and a Commitment pronounced, the Proſecutor would draw up the Order, and never take out the Warrant thereon, but make uſe thereof to force the Party proſecuted into ſome Compoſition, ſometimes for the whole matter in queſtion; but uſually for diſcharge of the Contempts, whereby the Serjeants Employment was rendred in great part ineffectual: For the prevention whereof his Lordſhip did thereupon order, That after an Order for a Serjeant at Arms ſhould be granted by the Court, the Regiſter ſhould, on requeſt, draw up the ſaid Order, and deliver the ſame to the Serjeant at Arms, or his Deputy, and to no other Perſon, they paying for the ſame, by which means he ſhould, or might endeavour to apprehend the Party proſecuted, and bring him into the Court to anſwer the Contempts if he could; but if he could not, his Lordſhip did further order, That no order for a Serjeant at Arms drawn up, and paſt by the Regiſter, ſhould be diſcharged, and the Contempt thereon, without the Serjeants Fees be paid to him, and a Certificate made under his Hand, teſtifying the ſame; and after the ſaid Order being ſo drawn up, and paſt as aforeſaid, no private or other agreement ſhould be made between the Party and Parties, and the Perſon and Perſons ſo ſtanding in Contempt as aforeſaid, or any other Perſon, on their, or any of their behalfs, without

out ſuch ſatisfaction ſhould be made, and a Certificate ſhould appear of the ſame to the Court. Now upon information made to the Right Honourable the Lord Keeper of the Great Seal of *England* by the Serjeant at Arms, that the ſaid Order had not been duly obſerved, to his great loſs and prejudice; his Lordſhip doth order, That the ſaid Order be revived; and doth further Order, That when any Motion ſhall be made for a Serjeant at Arms, the Counſel moving for the ſame, ſhall immediately in Court deliver unto the Regiſter, the Commiſſion of Rebellion, and tell who is Clerk in Court, that the Serjeant at Arms may have an account of him, where the Contemner lives; and that the Order be drawn up by the Regiſter, and delivered to the Serjeant at Arms or his Deputy, and to no other Perſon whatſoever, they paying for the ſame, to take out a Warrant thereon, whereby the Party or Parties ſo in Contempt may be taken into Cuſtody, and be brought into this Court to Anſwer the ſame: And that this Order be hung up in the Regiſters and Six Clerks Office of this Court, that all Perſons may take notice thereof, and yield obedience to the ſame accordingly.

Mercurii 28 *die Octobris, Anno Regni Regis Gulielmi Tertii* 8. 1696.

IT is this day ordered by the Right Honourable the Lord Keeper of the Great Seal of *England*, That where any Reference is now, or ſhall be directed to any of the Maſters of this Court; and at any time hereafter upon ſuch Reference, any matter of Fact ſhall be admitted or agreed to before him the ſaid Maſter, he ſhall take a *Memorandum* of the Fact ſo admitted or agreed to in his Book of Minutes; and the Party ſo admitting or agreeing, ſhall ſubſcribe ſuch Minutes, or the *Memorandum* in the preſence of the Maſter; which Subſcription ſhall be binding and con-

concluſive to the Party on whoſe behalf the ſame was ſo ſubſcribed, ſo as that the other ſide ſhall not be put to any further proof to make good the ſame. And it is further ordered, That this Order be hung up in the ſeveral Offices of the Maſters, Six Clerks and Regiſters, that all Parties concerned may take notice thereof.

Lord Chancellor and Maſter of the Rolls the 17th of May 1697. *forbidding all Maſters Clerks of this Court, and Examiners Clerks to practiſe as Solicitors.*

WHereas there have been former Complaints (and the cauſes thereof have lately appeared to be ſtill continuing) that the Clerks belonging to ſome of the Maſters of this Court, and alſo ſome Examining and Copying Clerks in the Examiners Office, have taken upon them the ſoliciting of Cauſes depending between Party and Party in the ſaid Court, ſo as no perſon that is a Suitor to the Court can be ſafe in his Perſon or Eſtate where any ſuch Clerks ſhall be retained as Solicitors againſt him, which practice of theirs hath, and may hereafter tend to the perverting of Juſtice, to the great Scandal of the Court; for the prevention whereof, and that the Suitor may be preſerved from ſuffering by the ill conſequences that may happen thereby for the future, the Right Honourable the Lord High Chancellor of *England*, with the advice and aſſiſtance of the Honourable the Maſter of the Rolls, doth hereby order, That from henceforth no Clerk belonging to any of the Maſters of this Court, nor any Clerk belonging to either of the Examiners of this Court, ſhall take upon him, either by himſelf, or any other perſon under him, the managing or ſoliciting any Cauſe whatſoever, either already commenced, or which ſhall hereafter be commenced in this Court. And if any perſon ſo related to the ſaid Court, or which ſhall hereafter be ſo related, ſhall be found

found to offend againſt this Order, they ſhall not only be ſuſpended their Imployments, but for their Contempts ſhall ſtand committed to the Priſon of the *Fleet*; and the Maſters of this Court, as alſo the Examiners are to take care, that all their Clerks do give obedience hereto. And that all perſons concerned herein may have due notice hereof, his Lordſhip doth further order, That Copies of this Order be ſent to the Publick Offices of the ſaid Maſters and Examiners of this Court.

Geo. Edwards Deputy Regiſter.

Die Veneris Nono die *Februar'*, Anno Regni *Georgii* Regis Octavo.

WHEREAS, this Court hath been informed, That Commiſſioners and their Clerks attending the Execution of Commiſſions for Examination of Witneſſes in Cauſes depending in this Court, do frequently before Publication is paſſed, and even during the Executing of ſuch Commiſſions, diſcloſe to or inform the Parties or their Agents of the Contents of the Depoſitions of Witneſſes taken on ſuch Commiſſions, which leads to introduce Perjury and Occaſions tedious and unneceſſary Examinations: For remedying and preventing whereof, for the future, The Right Honourable the Lord High Chancellor of *Great Britain*, by and with the Advice and Aſſiſtance of the Right Honourable the Maſter of the Rolls, doth Order, that from and after the laſt day of this preſent *Hillary-Term* where any Commiſſion Iſſues for Examination of Witneſſes, all and every the Commiſſioners named in ſuch Commiſſion, ſhall before they Act in or be preſent at the Swearing or Examining any Witneſs or Witneſſes upon Interrogatories in ſuch Cauſes ſeverally take the Oath following.

You

YOU ſhall according to the beſt of your Skill and Knowledge, truly, faithfully and without partiality to any or either of the Parties in this Cauſe, take the Examinations and Depoſitions of all and every Witneſs and Witneſſes, Produced and Examined by Vertue of the Commiſſion hereunto Annexed, upon the Interrogatories now Produced and left with you, and you ſhall not Publiſh, Diſcolſe, or make Known to any Perſon or Perſons whatſoever, except to the Clerk or Clerks by you Imployed and Sworn to Secrecy in the Execution of this Commiſſion, the Contents of all or any of the Depoſitions of the Witneſſes or any of them to be taken by you and the other Commiſſioners in the ſaid Commiſſion Named, or any of them by Vertue of the ſaid Commiſſion, until Publication ſhall Paſs by Rule or Order of the High Court of Chancery.

So Help you God.

Which ſaid Oath is to be Annexed in a Schedule to the ſaid Commiſſion.

And it is further Ordered, That all and every the Clerk or Clerks attending the Execution of ſuch Commiſſion, and Employed in Taking, Writing, Tranſcribing or Engroſſing the Depoſition or Depoſitions of Witneſſes Examined on ſuch Commiſſion, ſhall before he or they be permitted to Act as Clerk or Clerks as aforeſaid, or be preſent at the Execution of ſuch Commiſſion, ſeverally take the Oath following.

YOU ſhall truly, and faithfully and without partiality to any or either of the Parties in this Cauſe, take and write down Tranſcribe and Ingroſs the Depoſitions of all and every Witneſs and Witneſſes produced before, and Examined by the Commiſſioners, or any of them Named in the Commiſſion hereunto Annexed, as far forth as you are directed and imployed by the ſaid Commiſſioners, or any of them, to take,

take, write down or Ingroſs the ſaid Depoſitions or any of them; and you ſhall not Publiſh, Diſcloſe or make Known to any Perſon or Perſons whatſoever the Contents of all or any of the Depoſitions of the Witneſſes, or any of them to be taken, wrote down, Tranſcribed or Ingroſſed by you, or whereto you ſhall have Recourſe, or be any ways Privy until Publication ſhall Paſs by Rule or Order of the High Court of Chancery.

So Help you God.

Which ſaid Oath is likewiſe to be Annexed in the ſame Schedule to the ſaid Commiſſion.

Which Oaths the ſaid Commiſſioners are by ſuch Commiſſions to be Impowered Joyntly and Severally to Adminiſter to each other, and alſo to the Perſons attending as Clerks to the ſaid Commiſſioners.

And it is further Ordered, That in all Commiſſions which ſhall Iſſue from and after the laſt day of this preſent *Hillary-Term* for Examination of Witneſſes, the following Clauſe ſhall be added, and made Part of ſuch Commiſſion next before the Teſte thereof (that is to ſay) *Et Ulterius vob' et cuilt' vrm' Precipim' quod Quilibet veſtrum priuſquam' ipſe procederit ad Miniſtrand' Sacramentum Teſtib' predct' vel eor' cuilt' vel Examinand' aliquem Teſtem vob' producend' vel tali' Examinationi interfuerit preſtabit Sacrum' in quadam Schedula preſentib' Annexat' Primo Specificat' & Damus tribus duobus vel uni vrm' plenam poteſtatem & Auctoritatem Conjunctim vel diviſim Sacrum' illud ſup' Sacroſca' Dei Evangel' Corporal' ceteris vel alicui al' vrm' Miniſtrand' Et Ulterius precipim' quod Perſona vel Perſone inſerviens ut Cl'icus aut inſervientes ut Cl'ici ad capiend' Scribend' vel tranſcribend' depoſicoes' teſtium producend' & Examinand' Virtute preſentiu' priuſquam inſervire ut Cl'icus vel Cl'ici ut prefertur aut alicui Examinationi alicujus tal' teſtis interreſſe permittetur ſeu permittentur*

preſtabit

preſtabit aut preſtabunt Sacrum' in Schedula predicta' Secundo Speficat' Et Damus vob' & cuilt' vrm' plenam potem' & Auctoritatem Conjunctim vel Diviſim Sacrum illud ſup' Sacroſca' Dei Evangel' Corporal' tali Cl'ico ſeu talibus Cl'icis Miniſtrand' Teſte meipo, &c.

And it is further Ordered, That if any Commiſſioner or Clerk attending the Commiſſioners, ſhall preſume to Act contrary to the Premiſes, ſuch Commiſſioner or Clerk ſhall upon Proof of ſuch Offence undergo ſuch Puniſhment and Cenſure as this Court ſhall think fit to Order and Adjudge. And to the End all Perſons may take Notice of this Order, it is to be Entered with the Regiſter, and Set up in the Offices of the Six Clerks, and Regiſter of this Court.

Macclesfield, C.
J. Jekyll.

ORDERS and RULES of Proceedings in the Office of His Majeſty's Remembrancer of His Court of Exchequer *at* Weſtminſter, *which the Right Honourable the Lord Chief Baron, and the other Barons have thought fit at preſent to Ordain, and Publiſh, for the better and more ſpeedy carrying on the Buſineſs in that Office.*

I.

Engliſh Bills.

EVery *Subpœna* to Anſwer, Rejoin, or hear Judgment, ſhall be ſerved Perſonally, or left at the Defendants Dwelling-Houſe, or place of Reſidence with one of that Family; or otherwiſe the ſame Writ, under Seal, ſhall be ſhewed there, to ſuch Perſon of ſuch Family, and a Ticket thereof left with ſuch perſon, containing the effect of the ſame Writ: And all ſuch Tickets upon a *Subpœna* to Anſwer, ſhall be written in the Exchequer hand in Parchment.

II.

Filing of Bills.

EVery Bill upon a *Subpœna* retornable immediate, is to be filed before the ſaid iſſuing of the ſaid Writ, and upon a *Subpœna* retornable on a day certain, the

the Bill to be filed within two days after the day of the Retorn; and all others on common Retorns, to be filed within four days after the laſt day of ſuch Retorn. If the Defendants do appear according to the reſpective Retorns of the Writs: And if the Bill be not Exhibited accordingly, then the Defendant to be diſmiſſed with four Nobles Coſts.

III.

The day to be ſet down of the filing of every Bill, Plea, Demurrer, Exception, Replication, and Rejoinder.

THE day of Exhibiting of every Bill, and the putting in of all Pleas, Demurrers, Exceptions, Replications and Rejoinders, to be ſet upon the ſame, and to be then ſigned by the Attorney that is towards the ſame; and likewiſe the day of every Defendants appearance entred in the Book of Appearances, and no Bill to be accepted till the ſame be ſigned by the Attorney for the Plaintiff, and allowed by one of the Barons, except at the Suit of His Majeſty's Attorney General.

IV.

Times of Appearances upon Subpœna's.

IF the Defendant do not appear on the next day after ſervice of Proceſs retornable Immediate, or on the ſecond day, on Proceſs retornable on a day certain, or on the fourth day of every Common Retorn; then upon Oath of due Service an Attachment is to be awarded; and all Affidavits to be made in *London* or *Middleſex*, and before any of the Barons, be written in Exchequer-hand in Parchment.

V.

V.

Touching Contempts.

THat after an Attachment is retorned for a Contempt by Engliſh Bill, the next Proceſs ſhall be an Attachment with Proclamation, and upon the retorn thereof, a Commiſſion of Rebellion, and upon retorn thereof ſuch other Proceedings as the Court upon Motion ſhall direct; and that the Coſts be paid by each Defendant named in every of the ſaid Proceſſes, that is to ſay, every perſon in an Attachment to pay ten ſhillings, every perſon in every Proclamation to pay twenty ſhillings, every perſon in every Commiſſion of Rebellion to pay two pounds thirteen ſhillings and four pence, and all Coſts to be paid either by the Plaintiff or Defendant, or their reſpective Attornies in Court, before any further proceedings be had on their behalf reſpectively; and that there be in all Proceſs of Contempt in *London* and *Middleſex*, and within fifteen Miles thereof, ſix days; and in all other Counties within ſixty miles of *London*, ten days; and for all other Counties, fifteen days between the Teſte and Retorn of each Proceſs, unleſs the Court ſhall order Proceſs retornable immediate: And in any Caſe where the Sheriff ſhall retorn a *Cepi Corpus* upon Proceſs of Contempt, after a Rule of four days given to bring in the Body, and the Body not brought in, then upon a Motion, a Meſſenger to go and bring in ſuch Defendant.

VI.

ANSWERS.

Time for Defendants to put in their Anſwers.

EVery Defendant ſhall put in his Anſwer within eight days after his Appearance, and the Bill filed

led as aforeſaid, if the Bill ſhall be filed in the Term, or within two days after, in caſe he doth not deſire a Commiſſion to Anſwer, which is to be entred under his Appearance; and to be retornable the beginning of the following Term, and no Defendant living within fifteen miles of *London*, to have a Commiſſion but by ſpecial Order of the Court; and all Defendants living within fifty miles of *London*, appearing upon a Proceſs retornable the firſt Retorn of *Eaſter* or *Michaelmas* Terms, and deſiring a Commiſſion to anſwer, are to retorn ſuch Commiſſion by the end of the ſame Term; and every Defendant taking or craving a Commiſſion to anſwer, is to Rejoin *gratis*, and join in Commiſſion to examine Witneſſes, or elſe the Plaintiff to have a Commiſſion *ex parte* within a Week after the end of the Term; and in default of putting in his Anſwer as aforeſaid, an Attachment is to be awarded againſt him: And where a Commiſſion is prayed, but not taken out within three Weeks of the beginning of the next enſuing Term (except *Trinity* Term) in ſuch caſe Proceſs of Contempt to iſſue retornable the firſt day of the ſaid next Term.

VII.

Touching Anſwers: No Demurrer if in Contempt.

EVery Defendant who ſhall not anſwer according to the Rule of the Court, but deſires a Commiſſion to take his Anſwer, on taking forth ſuch a Commiſſion, ſhall not put in a Demurrer or Dilatory Plea, but may put in an Anſwer or Plea in barr, unleſs otherwiſe ordered by Motion in Court.

VIII.

VIII.

Payment of Coſts upon Contempts for want of Appearances or Anſwers.

EVery Defendant that is in Contempt, ſhall pay his Coſts to the Plaintiff, or his Attorney in Court before his Appearance or Anſwer be accepted; and no Defendant in Contempt ſhall put in a Demurrer or Dilatory Plea.

IX.

Times of ſetting down Demurrers, Pleas, &c.

WHere the Defendant ſhall put in a Plea or Demurrer, the ſame is to be ſet down by the Defendant by the *Saturday* ſevennight following, or elſe the Plea and Demurrer is to ſtand over-ruled: And in caſe the Plea and Demurrer do ſtand over-ruled as aforeſaid, or be over-ruled at the hearing, the Defendant is forthwith to pay to the Plaintiff, or his Attorney in Court, forty ſhillings Coſts, and after his Anſwer to rejoin *gratis*, and join in Commiſſion as aforeſaid: And in caſe the Plea or Demurrer be ordered to ſtand good, the Plaintiff to pay to the Defendant, or his Attorney in Court, thirty ſhillings Coſts; and if the Demurrer be to the whole Bill, and be admitted by the Plaintiff, or allowed by the Courst, the Defendant to ſtand diſmiſſed with Coſt, and if the Defendant will put in his Anſwer two days before the day appointed for the hearing of the ſaid Plea and Demurrer, or ſooner, and give notice thereof to the Plaintiffs Attorney, he is to pay to the Plaintiff twenty ſhillings Coſts.

X.

Pleas of Outlawry.

UPon a plea of Outlawry, in caſe the ſame be admitted by the Plaintiff, or adjudged good, and

the Outlawry after Reverſed, then the Plaintiff having paid the Coſts on the Plea, may take forth a new *Subpœna* againſt the Defendant to anſwer the ſaid Bill.

XI.

Admitting of Pleas and Demurrers to be good.

IF the Plaintiff, or his Attorney in Court ſhall two days before a Plea is appointed to be heard, or ſooner, give notice to the Defendant, or his Attorney in Court, that he will reply to the ſame, the ſaid Plaintiff ſhall then reply thereto within a Week without Coſts, or in default thereof, the Defendant to be diſmiſt with thirty ſhillings Coſts; and if the Plaintiff or his Attorney ſhall two days before a Plea or Demurrer is ſet down to be heard, or ſooner, give notice to the Defendant or his Attorney in Court, that he doth admit the Plea or Demurrer to be good, and ſhall pay to the Defendant, or his Attorney in Court, twenty ſhillings Coſts, then the Defendant ſhall not need to attend his Plea or Demurrer.

XII.

If Demurrer on Miſtake.

IF the Demurrer be grounded upon ſome Error, Slip, or Miſtake in the Bill, the Plaintiff ſhall be permitted of courſe to amend the ſame, paying to the Defendant, or his Attorney in Court, twenty ſhillings Coſts: But if the Plaintiff ſhall not within four days, after ſuch Demurrer, put in, amend, or alter it, and pay the Coſts, then the Demurrer ſhall be determined in Court.

XIII.

Pleas of Dependences of a former Suit.

IF the Defendant ſhall plead the dependency of a former Suit for the ſame matter complained of in the Bill, and the Plaintiff ſhall admit of the ſaid Plea, that

that then the Plaintiff ſhall forthwith pay to the Defendant, or his Attorney in Court, forty ſhillings Coſts: And if the Plaintiff ſhall not two days before the ſame is ſet down to be heard, or ſooner, admit the ſaid Plea, and pay forty ſhillings Coſts; then the ſame is to be heard in Court: And if upon hearing it ſhall be adjudged a good Plea, then the Plaintiff to pay three pounds Coſts.

XIV.

Exceptions.

EVery Plaintiff that ſhall take Exceptions to the Defendants Anſwer, ſhall put in his Exceptions to the ſame within four days within the Term next after the coming in of the Anſwer, and ſet down the ſame to be heard on the *Saturday* ſevennight following: in caſe the Defendant will put in his Anſwer before the time appointed for the hearing of the ſame Exceptions, he is to put in the ſame two days, or ſooner, before the time for the hearing thereof, and he is to pay but twenty Shillings Coſts; and if upon hearing the Exceptions, the Defendant be ruled to anſwer, the Defendant ſhall forthwith pay to the Plaintiff, or his Attoney in Court, three pounds Coſts, and ſhall put in his Anſwer within eight days, unleſs he deſire a Commiſſion to anſwer; in both which Caſes he is to Rejoin *gratis*, and joyn in Commiſſion as aforeſaid. And if the Defendants Anſwer ſhall be adjudged good, the Plaintiff ſhall forthwith pay to the Defendant, or his Attorney in Court, forty ſhillings Coſts. And all Anſwers coming in after the ſetting down of Cauſes, are to be taken as Anſwers of the ſucceeding Term.

XV.

Second Inſufficient Anſwer.

THat every Defendant putting in a Second Inſufficient Anſwer, ſhall pay double Coſts, as if the firſt Anſwer had upon hearing been adjudged inſufficient. Every Defendant putting in a third Inſufficient Anſwer, ſhall in like manner pay treble Coſts: And every Defendant putting in a fourth Inſufficient Anſwer, ſhall pay ſuch further Coſts, as the Court ſhall think fit, to the Plaintiff, or his Attorney in Court, and ſhall ſtand committed to the *Fleet*, and be examined upon Interrogatories.

XVI.

Proceedings upon Proceſs of Contempt upon Inſufficient Anſwers.

EVery perſon in Contempt, for not appearing, and that ſhall after clear his Contempts and appear, but ſhall incur any other Contempts for not anſwering according to the Rules, ſhall pay the like Coſts, and have the Proceſs of Contempt continued againſt him till there ſhall be a ſufficient Anſwer put in, as if he had not appeared: And the like Rule where perſons are in Contempt for not Anſwering until they have fully anſwered; but upon clearing his Contempt, he is to have an allowance of what Coſts he paid upon the former Contempt.

XVII.

Plaintiffs diſmiſſion of the Bill before Replication.

IF a Plaintiff will diſmiſs his own Bill before he Reply, he ſhall pay forty ſhillings Coſts, unleſs the Court ſhall think fit upon Motion to encreaſe the ſame.

XVIII.

XVIII.

Proceedings on the bringing to the Bar for want of Appearance or Anſwers.

IF a Defendant be brought to the Bar by *Habeas Corpus* for not appearing, his Appearance ſhall be then Recorded, and he forthwith charged with the Bill the firſt time, and ſtand commited; and if afterwards he do not anſwer according to the courſe of the Court, being brought twice more to the Bar by *Habeas Corpus*, or by Rule of Court, and charged with the Bill each time, the Bill ſhall be taken *pro Confeſſo* againſt him.

XIX.

Hearing Cauſes upon Bill and Anſwer.

IF the Plaintiff ſhall ſet down his Cauſe to be heard upon Bill and Anſwer, and ſerve the Defendant to hear Judgment; and if upon hearing the Court doth not think fit to make any Decree upon Bill and Anſwer, and ſhall permit the Plaintiff to reply, he ſhall forthwith pay to the Defendant, or his Attorney in Court, five pounds Coſts for his unjuſt vexation, and Reply within eight days, or elſe the Defendant to ſtand diſmiſſed with the ſaid five pounds Coſts; and if he doth Reply, the Defendant is to Rejoyn *gratis*, and joyn in Commiſſion, which Commiſſion ſhall be taken forth to be executed the next Vacation, except in the Vacation after *Eaſter* Term.

XX.

Commiſſions for want of Replication, or for not proceeding after Replication.

IF the Plaintiff doth not Reply to the Defendants Anſwer ſome time the next Term, after the An-

ſwer is put in, the Defendant may the Term following give a Rule to be diſmiſſed within a Week; and if the Plaintiff ſhall not within that time Reply to the Defendants Anſwer, the Defendant ſhall be diſmiſſed with five Marks Coſts; but if the Defendant doth give a Rule to be diſmiſſed for want of a Replication, at the coming in of ſuch Replication the Defendant is to Rejoyn *gratis*, and join in Commiſſion; and if the Plaintiff doth not the ſame Term, or the Term following take forth a Commiſſion to examine Witneſſes, the Defendant may either take forth a Commiſſion, *ex parte*, or elſe be diſmiſſed with five pounds Coſts: And in Caſes where the Defendant ſhall give a Rule, either for not Replying to the Defendants Anſwer, or for not Proceeding after Replication, if there be not a Week in Term, the Plaintiff to have a day to ſhew Cauſe till the ſetting down of Cauſes.

XXI.

Examination of Witneſſes.

IF the Defendant being ſerved with a *Subpœna* to Rejoyn, or appearing *Gratis*, to rejoyn and join in Commiſſion, ſhall not deliver Commiſſioners Names to the Plaintiffs Attorney by the end of that Term, and ſtrike Names within four days after the end of that Term, the Plaintiff may take a Commiſſion *ex parte*.

XXII.

Execution of Commiſſions to examine Witneſſes.

WHen a Commiſſion is taken out, if through the default of the party, having the carriage of the ſame, or of his Commiſſioners, the ſame be not executed, he ſhall pay unto the other party ſuch reaſonable Coſts as he or his Solicitor ſhall, upon Oath, make appear he was put unto by ſuch failure, and ſhall renew ſuch Commiſſion at his own charge, wherein

wherein the adverſe party may join, and Croſs examine ſuch Witneſſes, if he think fit; but if he examine any Witneſſes of his own, then he is to pay the Half Fee of the Commiſſion, and the adverſe party may alſo have a *Duplicate* of ſuch Commiſſion; and if the party taking out of ſuch renewed Commiſſion, do not give notice to execute his Commiſſion eight days before the Retorn thereof, that then the adverſe party, upon four days notice may execute his Commiſſion, and no ſecond Commiſſion to be awarded without Motion in Court.

XXIII.

Renewed Commiſſions to be Executed.

IF at the inſtance of a Defendant, a Commiſſion to examine Witneſſes is ordered to be renewed, either for a default by him, or his Commiſſioners, or becauſe he did not examine all his Witneſſes by the firſt Commiſſion, he ſhall at his peril examine all his Witneſſes by ſuch renewed Commiſſion, or in Court by the Retorn thereof; and no more Commiſſions to iſſue, except it be for the examination of Witneſſes beyond the Seas, or by further order of Court: And that no Witneſſes ſhall be examined at the hearing of any Cauſe *viva voce*, without ſpecial Order of this Court, made before the Hearing of the Cauſe.

XXIV.

No Commiſſion in London.

THAT no Commiſſion *ad examinandum Teſtes* be exhibited in *London*, or within ten miles thereof, without ſpecial Order firſt obtained upon *Affidavit* made of the Parties inability to travel, or other good matter: And that all Depoſitions taken by Commiſſion in *London*, or within ten miles thereof, without ſpecial Order as aforeſaid, ſhall ſtand ſuperſeded, and ſuppreſſed

preſſed *ipſo facto*, and not allowed to be read in Evidence at the hearing of the Cauſe; and after Interrogatories are exhibited of either ſide, neither Party ſhall add to, or alter the ſame, without leave of the Court.

XXV.

Publication.

PUblication to paſs within one Week after every Commiſſion returned, or the Witneſſes examined in Court, if no Cauſe be ſhewed to the contrary; and where a Rule for Publication ſhall be given, there not being a Week in Term, day ſhall be given to ſhew Cauſe to the contrary at the ſetting down of Cauſes.

XXVI.

Uſe of Depoſitions of Witneſſes.

DEpoſitions of Witneſſes in ſeveral Cauſes, which are meerly Croſs Cauſes (that is to ſay) between the ſame Parties, and touching the ſame Matter, may be uſed at the hearing of both Cauſes coming to hearing together, without any Motion or Order in that behalf.

XXVII.

Setting down of Cauſes in London, *or within ſixty Miles, in* Eaſter *or* Michaelmas *Term.*

NO Cauſes ſhall be put into the General Bill of Cauſes, to be ſet down to be heard, till Publication is paſt, except it be by ſpecial Order of Court; and when Publication is paſt, the Cauſe to be ſet down for the Term following, except in Caſes where the Parties live in *London*, or within ſixty Miles thereof; wherein if a Replication be filed in *Trinity* or *Hillary*

Hillary Terms, and Publication do paſs the firſt Week of *Michaelmas* or *Eaſter* Terms following, ſuch Cauſe may be ſet down to be heard the laſt day of Cauſes of ſuch *Michaelmas* or *Eaſter* Terms.

XXVIII.

Subpœna's *to hear Judgment.*

Subpœna's to hear Judgment ſhall be ſerved in *London*, or within ſixty miles of the City of *London*, ten days before the day of hearing of the ſaid Cauſe; and in more remote places, fourteen days before ſuch day of hearing, except in *Trinity* Term, and then the Defendants inhabiting in the more remote Parts, to have but ten days notice.

XXIX.

Hearings.

IF the Defendant ſhall be ſerved to hear Judgment, and make Default, and hath day given him to ſhew Cauſe why a Decree ſhould not be made againſt him, ſuch Defendant, or his Counſel ſhall not be heard therein, till he firſt pay down to the Plaintiff, or his Attorney in Court, 5 *l.* Coſts; and in caſe the Defendant doth attend the Hearing, being duly ſerved, and that appear to the Court; and if the Plaintiff doth not attend, the Cauſe to be put out of the Paper, and the Plaintiff to pay to the Defendant 5 *l.* Coſts; and the Defendant may ſet dow the Cauſe to be heard the next Term *ad requiſitionem Defend*ᵗ, the Plaintiff to pay the ſaid 5 *l.* Coſts before his Counſel be heard.

XXX.

Rules on Hearing on Motions.

THat the Judgment pronounced on every Hearing, and the Rule given on every Motion, ſhall be truly

truly taken, and fairly written by His Majeſty's Remembrancer, or his Deputy, and openly read before another Cauſe or Motion be begun, to the end if the ſame be miſtaken, it may be rectified by the Court.

XXXI.

Entries of Decrees and Diſmiſſions.

AND every Decree or Order of Diſmiſſions made by the Court, that is not entred ſome time before the laſt day of the next Term, after the pronouncing thereof, ſhall not be entred, but upon Motion in open Court.

XXXII.

Decrees and Orders.

EVery Order and Decree to be drawn up as ſhort as with conveniency they can be, without reciting the former Orders and Pleadings at large.

XXXIII.

Bills of Review.

WHere a Bill of Review ſhall be brought, the Plaintiff in ſuch Bill ſhall pay the Coſts taxed, or due in the former Cauſe, and enter into a Recognizance of ſuch Penalty as the Court ſhall appoint, to perform the ſame, in caſe the ſame ſhall be affirmed, and to pay ſuch further Coſts as this Court ſhall direct, otherwiſe the Defendant not to be enforced to give any Anſwer to ſuch Bill, or incur any Contempts for his neglect therein.

XXXIV.

XXXIV.

Proceedings upon Bills to Examine Witneſſes in perpetuam rei memoriam.

WHere a Bill ſhall be exhibited to examine Witneſſes *in perpetuam rei memoriam*, and the Defendant being ſerved with Proceſs, doth not appear, but ſtands in Contempt, the Plaintiff may then upon Motion have a Commiſſion to examine his Witneſſes *de bene eſſe*; and where the Defendant ſhall have appeared, he may join in Commiſſion, if he think fit, and Croſs-Examine the Plaintiffs Witneſſes, he ſtriking Commiſſioners Names within four days after the making of the Order for ſuch Commiſion: And after the Defendant hath anſwered ſuch Bill, the Plaintiff is then to Reply, and re-examine ſuch of his ſaid Witneſſes, formerly examined, as ſhall be then living; and upon the retorn of the ſame Commiſſion, and the Depoſitions thereby taken, together with the Depoſitions of ſuch of the Witneſſes formerly examined, as were before the Execution of ſuch ſecond Commiſſion dead, are forthwith to be publiſhed.

XXXV.

Contempt in not performing Orders and Decrees.

THat no Perſon ſhall be in Contempt for not performing any Order or Decree of the Court, untill he ſhall be ſerved therewith, by delivering a true Copy thereof, and ſhewing the Decree or Order under the Seal of the Court unto ſuch perſon, and if the Party cannot be found to be perſonally ſerved, upon Oath firſt made thereof, and an Order of Court thereupon, the Writ of Execution to be left at his Houſe,

Houſe, or place of his laſt abode, or a Copy thereof with his Clerk in Court, and that to be good Service to bring him in Contempt.

XXXVI.

Times for coming in of Reports, and for filing of Exceptions to Reports.

WHere the Court upon hearing any Cauſe, ſhall refer any Matter of Account, or other Matter to be Reported to the Court, ſuch Report ſhall be made and delivered to the ſworn Clerk concerned in the Cauſe, ſix days before the time appointed for hearing of the Cauſe upon ſuch Report, who is forthwith to give notice to the Clerk on the other ſide; and if the adverſe Party will take Exceptions to the ſame, he ſhall put in ſuch Exceptions two days at leaſt before the hearing of the Cauſe.

XXXVII.

Not performing Decrees.

WHere ſeveral things are to be performed by a Decree on the part of the Defendant, and the Defendant is brought in upon Contempt for not performing ſome part of that Decree, he is not to be enlarged until he ſhall perform that part of the Decree that is to be preſently done, and give ſecurity by Recognizance with Sureties, as the Court ſhall order, to perform the other part.

XXXVIII.

XXXVIII.

Examination of Perſons in Contempt.

WHere any perſon appeareth in Court, upon Proceſs of Contempt, to be examined upon Interrogatories, he is to ſtand committed to the *Fleet*, unleſs he acknowledge a Recognizance of 100 *l.* or more (if the Caſe require it) to appear *de die in diem*, and not to depart without licenſe of the Court, and then Interrogatories ſhall be exhibited for his Examination within four days after ſuch his appearance; and in default thereof the party proſecuted ſhall be diſmiſſed with Coſts; upon which Examination, if the Defendant deny the Contempt, or the ſame doth not clearly appear, the Proſecutor may upon Motion examin Witneſſes for proof thereof upon notice given to the Defendant or his Attorney in Court, or by Commiſſion, for which he may name a Commiſſioner, but is not to examin any Witneſſes upon his part, unleſs he ſhall ſatisfie the Court upon ſome matter of Fact neceſſary to be proved for clearing the truth; in which caſe the Court, if there be cauſe, will give leave to him to examin Witneſſes to ſuch particular Points ſo directed by the Court; and the other ſide may Croſs-Examin the ſaid Witneſſes.

XXXIX.

Touching the ſame.

AND when a Commiſſion is taken out to prove a Contempt, the Party proſecuted ſhall have a day to appear upon his ſaid Recognizance till the retorn of the Commiſſion: And if the Com-

Commiſſion be not retorned within a Week after the Retorn thereof, the Party proſecuted ſhall be diſcharged of his Contempt with Coſts, and his Recognizance vacated.

XL.

Beating or Abuſing the Perſons ſerving the Proceſs.

WHere any Oath ſhall be made of Miſdemeanor of Beating or Abuſing the Party upon ſerving the Proceſs, or Order of the Court, the Party offending ſhall ſtand committed upon Motion, and no Examination is in that caſe to be admitted; and when an Affidavit ſhall be made by two Perſons of Scandalous and Contemptuous Words againſt the Court, or the Proceſs thereof, the Party offending ſhall likewiſe ſtand committed upon Motion, without any further Examination; and a ſingle Affidavit in ſuch caſe ſhall be ſufficient to ground an Attachment, whereupon ſuch Perſon ſhall be brought to be examined; and if the Miſdemeanor ſhall be confeſſed, or proved againſt him, he ſhall ſtand committed until he ſatisfie the Court touching the ſaid Miſdemeanor, and pay the Proſecutor his Coſts: But if he ſhall not thereof be found guilty, ſave by the Oath of the Party that made the Affidavit, he ſhall be thereof diſcharged, yet without any Coſts, in reſpect of the Oath made againſt him, as aforeſaid.

XLI.

Injunctions.

THAT no Injunction be granted, or Day given to ſhew Cauſe why the ſame ſhould not be granted, but upon Motion in open Court, ſatisfying the Court with ſuch Matter as may induce the Court in Juſtice to grant the ſame, and where there are Exceptions put in to an Anſwer, the Plaintiff may move for an Injunction upon opening of a material Exception to the Court.

XLII.

Taxing of Coſts.

THAT in all Caſes where Coſts are to be taxed upon a Bill of Coſts in the Office of His Majeſty's Remembrancer, His Majeſty's Remembrancer is to Tax the Coſts, but ſhall not Tax the ſame without notice given to the Attorneys on both ſides to attend him.

XLIII.

Bills of Review.

IF a Defendant be ſerved with Proceſs upon a Bill of Revivor, and ſhall not Anſwer, or deſire a Commiſſion within eight days, the former Proceedings ſhall ſtand revived upon Motion.

XLIV.

Serving of Sheriffs, or Under-Sheriffs with Orders.

THAT where a Sheriff, or Under-Sheriff is ordered to perform any thing by the Order of the Court, ſerving of the Sheriff, or Under-Sheriff with a true Copy of ſuch Order under the Seal of the Court, and Affidavit made thereof, and Warrant thereupon from one of the Barons, ſhall be a ſufficient Service to bring the ſaid Sheriff, or Under-Sheriff in Contempt if he do not perform the ſame.

XLV.

Sheriff to name Attorneys.

THat all Sheriffs ſhall have and aſſign their able and ſufficient Attorney and Deputy in this Court, the ſame Court ſetting, which ſhall attend this Court from time to time, to receive and retorn the Writs and Commandments of the ſame, according to the Statute in that behalf provided; and that every Sheriff upon the entring into his Recognizance, do declare and deliver unto one of the ſworn Clerks in the Office of his Majeſty's Remembrancer, the Name of ſuch Attorney or Deputy, ſo by him aſſigned.

XLVI.

Rules to Sheriff to Retorn Proceſs.

AND where a Sheriff neglects to retorn any Proceſs delivered to him, Rules may be given the laſt day of the Term for to retorn ſuch Writs by the Sealing-day, or to be amerced 40 s.

XLVII.

XLVII.

Paupers.

IF any Perſon ſhall petition to be admitted in *Forma Pauperis*, he ſhall bring a Certificate, under his Counſels hand upon his Petition, that he hath probable Cauſe of Suit, and make uſual Oath before he be admitted, and ſuch Counſel to be aſſigned for one.

XLVIII.

Notes of Informations.

THat according to an Order of Court made the ſecond day of *July* 1686. upon the making out of any Proceſs upon any Information to be exhibited in the Office of His Majeſty's Remembrancer in this Court for the Seiſure of any Goods, there ſhall be a brief Note or Entry made by one of the ſworn Clerks, in a Book to be prepared for that purpoſe, of the Name of the Party that ſeized the ſame, and of the Quality of the Goods ſeized, together with the day of the Month when the ſame is Exhibited; and that upon the making out of any Proceſs upon perſonal Informations upon Penal Statutes, there ſhall be a brief Note or Entry made by one of the ſworn Clerks, in the ſaid Book, of the Names of the Plaintiffs and Defendants, together with the Day of the Month when the ſame is Exhibited, unto which Book ſuch perſon as is, or ſhall be imployed on behalf of His ſaid Majeſty for the recovering and getting in His ſaid Majeſty's Moiety, or part of ſuch Forfeitures, may have recourſe and free liberty to inſpect and peruſe the ſame.

XLIX.

Records of Recoveries and Fines to be perfected.

THat the Records of the Recovery of all Goods or Merchandizes ſeiſed for being prohibited or unaccuſtomed, and all Fines rated for the ſame ſhall be perfected and finiſhed by the firſt day of the next Term following the Term of ſuch Recoveries had, or Fine rated, to the end the ſame may be drawn down into the Pipe.

L.

Pleadings upon Perſonal Informations.

EVery Defendant appearing upon an Information, or *Quo Warranto*, except Informations of Seiſure, is to plead to the ſame within four days of the next Term after his appearance to the ſame, or in default thereof, Judgment by *Nihil Dicit* to be entred: And where a Defendant being ſerved with Proceſs to appear to an Information, ſhall neglect to appear the ſame Term, and is taken upon Proceſs of Contempt, retornable the following Term, he ſhall then Plead within four days after his appearance.

LI.

Contempts, &c.

THat after an Attachment is Retorned upon any Contempt upon an Information, the next Proceſs ſhall be an Attachment with Proclamation, and upon the Retorn thereof, a Commiſſion of Rebellion, and then upon Motion, a Serjeant at Arms, and the ſame

ſame Coſts are to be paid upon Contempts on Informations, as is directed before upon proſecution of Engliſh Bills.

LII.

Joyning in Demurrer.

WHen a Demurrer is filed, the Defendant ſhall Joyn in Demurrer within ſix days, or elſe Judgment by *Nihil Dicit* to be entred.

LIII.

Informations and other Matters of Law.

WHen a Replication is filed, the Defendant ſhall Rejoyn within four days, or elſe Judgment by *Nihil Dicit* to be entred.

LIV.

Rules upon Returns of Scire Facias.

UPon Writs of *Scire Facias* Retorned the laſt day of the Term, and upon Inquiſitions then Retorned, whereon Goods are ſeiſed, Rules may be given for the Defendants to appear upon ſuch Writs of *Scire Facias*, and to claim the property of ſuch Goods ſeiſed by the Sealing-day after each Term, and in default thereof, Proceedings to be had in each Caſe reſpectively, as where there are days in Term for giving ſuch Rules.

LV.

LV.

Notice of Trials.

NOtice of all Trials in *London* or *Middleſex* to be given ſix days before ſuch Trials, and of Trials at Aſſiſes, notice to be given within ſix days after the end of the Term.

LVI.

Entring Judgment after Trials.

UPon the Retorn of every *Poſtea*, Judgment to be entred within four days upon a Rule given, if nothing be ſaid to the contrary, upon Trials in *London* and *Middleſex*, and within the Term, Judgment to be entred of the ſame Term; and upon Trials at the Bar, Judgment to be entred within four days after ſuch Trial, if there be ſo many days in Term; and if there be leſs than four days in Term, then Judgment to be entred the laſt day of the Term.

LVII.

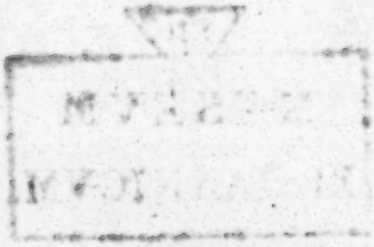
Irregularities in Pleadings.

THat all differences touching Irregularities in Proceedings, or upon the Rules of the Court, ſhall be determined by His Majeſty's Remembrancer, or his Deputy, upon hearing the Attorneys on both ſides, who is to ſettle the ſame if he can, and give Coſts where he ſhall find the fault, if not, the Court to determine the ſame.

LVIII.

LVIII.

THat His Majeſty's Remembrancer or his Deputy, and the ſworn Clerks in the Office, do diligently attend in Court, and do give an Account touching any Proceedings in Court, as they ſhall be required.





FINIS.

FH
MVSEVM
BRITANNICVM